United Nations A/56/PV.62

General Assembly

Official Records

Fifty-sixth session

62nd plenary meeting
Monday, 26 November 2001, 10 a.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Rosenthal (Guatemala), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Tribute to the memory of His Majesty Sultan Salahuddin Abdul Aziz Shah, late King of Malaysia

The Acting President (*spoke in Spanish*): Before we take up the items on our agenda, it is my sad duty to pay tribute to the memory of the late King of Malaysia, His Majesty Sultan Salahuddin Abdul Aziz Shah, who passed away on Wednesday, 21 November 2001, in Kuala Lumpur.

On behalf of the General Assembly, I request the representative of Malaysia to convey our condolences to the Government and the people of Malaysia and to the bereaved family of His Majesty Sultan Salahuddin Abdul Aziz Shah.

I invite representatives to stand and observe a minute of silence in tribute to the memory of His Majesty Sultan Salahuddin Abdul Aziz Shah.

The members of the General Assembly observed a minute of silence.

The Acting President (*spoke in Spanish*): I give the floor to Mr. Semakula Kiwanuka, Permanent Representative of Uganda, who will speak on behalf of the Group of African States.

Mr. Semakula Kiwanuka (Uganda): It is with profound shock and deep sadness that I stand here, in my capacity as Chairman of the African Group for the month of November, and also in my personal capacity as Ambassador and Permanent Representative of Uganda to the United Nations, to express my heartfelt condolences on the death of His Majesty Sultan Salahuddin Abdul Aziz Shah, King of Malaysia, at the age of 74.

His Majesty was a modern King of the twentieth century, who broke with tradition and set aside protocol to reach out to the masses. He was a King with a social conscience and a deep love for his people. His experience as a former inspector of schools brought him face to face with the pressing need for education. He took a passionate interest in the education of children, especially in the rural areas, and Malaysia, which has distinguished itself in the field of human capacity-building today, owes a lot to His Majesty's leadership.

On this sad occasion, I convey once again, on behalf of the African Group at the United Nations, my deepest sympathy to the Government and the people of Malaysia and to the bereaved family on the loss of their King, who will be greatly missed for his wise leadership.

May the Good Lord rest his soul in eternal peace.

The Acting President (*spoke in Spanish*): I give the floor to Mr. Fayssal Mekdad, Deputy Permanent Representative of the Syrian Arab Republic, who will make a statement on behalf of the Group of Asian States.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

01-65739 (E)

Mr. Mekdad (*spoke in Arabic*): We were shocked to hear of the death of the King of Malaysia, His Majesty Sultan Salahuddin Abdul Aziz Shah. His passing represents a great loss for the brotherly people of Malaysia and for all our countries, and it saddens me to express, on behalf of the member States of the Asian Group and on behalf of my own country — the Syrian Arab Republic — our deepest and most sincere condolences to the King's bereaved family, to the Government and the people of Malaysia, and to Ambassador Hasmy Agam, Permanent Representative of Malaysia to the United Nations, and all members of his Mission.

The late King was greatly admired by the people of his country for his distinctive qualities and leadership role. In addition to serving in a number of areas of public life, the King was for a long period the ruler of the important province of Silangore. His main accomplishment, of which he was very proud, was his work as a school inspector in his province. He attached particular interest to the education of children, particularly in the rural areas. Can there be a nobler cause than participating directly in teaching a whole new generation to enjoy learning and knowledge, thereby laying down the foundation for the comprehensive cultural renaissance that Malaysia has enjoyed at all levels?

History will record that, as a ruler, he broke with tradition and set aside protocol so that he could remain in direct contact with his people. That is why the people of Malaysia loved him and supported his efforts to achieve his goals. Indeed, his accomplishments led Malaysia to its current economic and social prosperity.

With the death of their King, Malaysians have lost a leader who was very close to his people and who for many years devoted all his energy to serve them.

We in the Group of Asian States at the United Nations have lost a very prominent Asian personality, one who effectively contributed to the achievement of a true renaissance in Malaysia, a country whose sacrifices and generosity have become an example to be emulated.

I wish once again to reiterate our condolences to the King's bereaved family and to the Government and people of Malaysia.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of Hungary, who will speak on behalf of the Group of Eastern European States.

Mr. Posta (Hungary): In my capacity as Chairman of the Group of Eastern European States for the month of November, I would like, on behalf of the countries of the Group, to express our deepest sympathy to the Government and the people of Malaysia on the passing of His Majesty Sultan Salahuddin Abdul Aziz Shah, the late King of Malaysia. We are aware that the late King was known and respected by the people of Malaysia as a sociable and sensitive ruler deeply concerned about the welfare of his people. We share sentiments of sorrow and sadness with our Malaysian colleagues over this great loss. Let me express once again, on behalf of the Group of Eastern European States, our condolences to the people of Malaysia.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of Iceland, who will speak on behalf of the Group of Western European and other States.

Mr. Ingólfsson (Iceland): On behalf of the countries members of the Group of Western European and other States, I am saddened to express our deepest condolences to Her Majesty Queen Tuanku Siti Aishah, to the royal family and to the Government and people of Malaysia. As the Sultan of Selangor for 41 years, and as King of Malaysia since September 1999, His Majesty Sultan Salahuddin Abdul Aziz Shah, who passed away last Wednesday, was much involved in efforts to improve the socio-economic welfare of his country and had earned the highest respect of his people. His efforts in promoting education, particularly in rural areas, contributed greatly to the welfare of his people. We pay tribute to the memory of a great statesman and the leader of a great country.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of Uruguay, who will speak on behalf of the Group of Latin American and Caribbean States.

Mr. Paolillo (Uruguay) (*spoke in Spanish*): The Group of Latin American and Caribbean States would like to associate itself with the sentiments of sadness expressed in connection with the demise of His Majesty Sultan Salahuddin Abdul Aziz Shah. All of us in the international community share that sadness, not only at the loss of a great statesman such as the King was during his short reign, but also because of the

personal qualities he displayed throughout his very active political life and because of his very modern outlook on social issues, which won him the respect not only of his people but also of the international community. His Majesty was known as a very modest and generous person, as well as a statesman who remained open to one and all.

It is for all those reasons that I would like, on behalf of the Group of Latin American and Caribbean States, to associate myself with everything that has been said by the previous speakers. I would also like to express our deepest condolences to the Government and people of Malaysia.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of the United States, who will speak on behalf of the host country.

Mr. Marsh (United States): It was with regret that the United States learned of the passing of His Majesty Sultan Salahuddin Abdul Aziz Shah. We extend our most sincere condolences to the people of Malaysia on the loss of their great leader.

The King most certainly lived in an era of critical importance for Malaysia. In his early years, he saw the tumult of the Second World War. He then played an active part in Malaysia's independence movement. As King he upheld the rich Muslim traditions of Malaysia with grace and reverence, while also dedicating himself to public service. The King was truly a citizen of the world. He studied abroad in his youth and travelled widely as an adult. It is highly fitting, then, that we should pay tribute to him in this Hall where the nations of the world are met together.

In closing, my delegation extends to Malaysia in its time of mourning the deepest sympathies of the people and Government of the United States.

The Acting President (*spoke in Spanish*): I now give the floor to the representative of Malaysia.

Mr. Hasmy (Malaysia): On behalf of the Government and people of Malaysia and on behalf of my delegation and myself, I should like to express my profound thanks and appreciation to you, Sir, and to the Chairmen of the regional groups for Africa, Asia, Eastern Europe, Latin America and the Caribbean and the Western European and other States, as well as to the host country, the United States, for having observed a minute of silence and for their expressions of condolences on the passing of His Majesty Sultan Salahuddin Abdul Aziz Shah, the eleventh King of Malaysia, on 21 November 2001. My delegation and I are deeply touched by, and profoundly grateful for, the tributes given to our late King as we Malaysians mourn his passing.

Our late beloved King had many wonderful qualities but was best known for his humility and friendliness to all the people he met. Whether with visiting heads of State or with the simple farmers whom he frequently visited, he was always humble, listening and asking questions with genuine warmth and courtesy.

In spite of his noble station in life, His Majesty was a simple man — approachable and without any air of superiority about him. While he was King, serving under Malaysia's unique system of rotational constitutional monarchy for fewer than three of the five years of his full term of office, Sultan Salahuddin Abdul Aziz Shah quickly endeared himself to the hearts of all Malaysians because of his unique ability to relate to people of all walks of life, irrespective of race or creed, and because of his genuine concern for their welfare.

During his long reign of 41 years as Sultan and head of the state of Selangor, His Majesty was a ruler who did not allow himself to be encumbered by pomp and ceremony. Many a time he dispensed with royal protocol in order to get closer to his people. He was always travelling to villages, far and near, especially in his younger days, on a bicycle, accompanied by a small group of aides — also on bicycles — and stopping to chat with simple folk about their problems. He was warm, easy-going and down to earth. However, on matters affecting the people's welfare, His Majesty was known to have been outspoken and straightforward in dealing with administrators and politicians alike, showing, as always, that he had the people's interests at heart. It is not surprising, therefore, that His Majesty was known as the ruler with the heart of the people. Without doubt, both as the Sultan of the state of Selangor and as the King of Malaysia, His Majesty played an important role, in more ways than one, in the process of nation-building, through his effort to bring development to the people and encourage them to embrace modernization, with all its opportunities and challenges. In so doing, His Majesty was able to make the smooth transition from a traditional ruler to that of the exemplary constitutional head of State and monarch that he was.

As a person, and as the constitutional head of the Islamic religion for the state of Selangor and, later, for the nation, His Majesty had a deep and abiding faith in Islam and its noble principles. He once said, "This life is a long journey towards Allah. In the next world is the eternal life".

May God Almighty bless his soul in that eternal life to which he has departed.

The Acting President (*spoke in Spanish*): Once again, I should like to convey our deepest condolences to the delegation of Malaysia.

Agenda item 50

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General transmitting the eighth annual report of the International Tribunal (A/56/352)

The Acting President (*spoke in Spanish*): May I take it that the Assembly takes note of the eighth annual report of the International Tribunal for the Former Yugoslavia?

It was so decided.

The Acting President (*spoke in Spanish*): I call on Mr. Claude Jorda, President of the International Tribunal for the Former Yugoslavia.

Mr. Jorda (*spoke in French*): It is a great honour for me to address the Assembly once again as I present the eighth annual report of the International Tribunal. I should like first of all to express my deep gratitude for the support that the Assembly has always afforded our institution.

It has already been two years since the judges demonstrated their confidence in me by electing me President of the International Tribunal. I am deeply honoured that they have done so again, and I will endeavour to prove myself worthy. As such, I am in a position to pursue the reform work initiated during the period of my previous mandate.

I would like to share with the Assembly my satisfaction with regard to the situation of the International Tribunal. It has changed for the better in the past two years. Many arrests have been carried out, a large number of judgements have been rendered and several new trials have opened. Furthermore, the reform process that we began in January 2000 has continued to expand and is starting to produce results.

Nonetheless, I remain concerned by two difficulties that I believe constitute obstacles to the establishment of a deep-rooted and lasting peace in the Balkans, which cannot be resolved without the active cooperation of the Assembly. The first problem, to which I called attention last year, is the result of the fact that many of the accused — high-ranking political and military figures — remain at large, even though it is alleged that, through their criminal actions, they seriously breached international law and order and consequently jeopardized peace and security in the Balkans. I believe that the second difficulty lies in the need to adapt the International Tribunal's mission in the light of the recent political upheavals — those in the former Yugoslavia, in particular with regard to the arrest of Slobodan Milosevic; and those on the international scene, in view of the tragic events of 11 September, which have made the fight against terrorism a new priority for the international community.

Before dealing with those two problems I should like, by way of introduction, to provide the Assembly with a brief overview of the current situation of the International Tribunal. I will then discuss the reforms which we undertook in order to try, within a reasonable time frame, all the accused currently in detention. After that, I will assess the status of cooperation between the International Tribunal and the Balkan States. Lastly, I will set out the International Tribunal's prospects for the years ahead and the principal directions I would like to take in order to bring the mission that the international community conferred on us to the swiftest possible conclusion.

First, the Tribunal is now operating at full capacity. Fifty accused people are now in detention in The Hague. As a result, there has been a significant increase in the activity of the Chambers. Indeed, over the past 12 months, the Trial Chambers have pronounced six judgements on the merits of 17 of the accused, and issued a great many decisions in proceedings that, as the Assembly knows, are long and complex. The Chambers analysed the testimony of several hundred witnesses and reviewed several

thousand documents. During the course of one case, for example, which lasted 20 months, the judges announced some 100 decisions, in addition to the final judgement. The Assembly should take note of that fact: the Tribunal's activities should not be measured only in terms of the final judgements that it renders.

In the Appeals Chamber, the judges issued some 30 interlocutory decisions and three judgements on the merits of seven accused people. Its case law has undergone major developments and has been consolidated on some of the fundamental points of international criminal procedure and humanitarian law. For its part, the Registry of the International Tribunal — the third organ of the Tribunal, after the Chambers and the Office of the Prosecutor — has performed its judicial management duties and made the best possible use of the funds the Assembly generously allocated to the Tribunal, without which it could not fulfil its mission. I should like to express my gratitude for that; I shall return to the issue of the budget at a later stage.

Secondly, the ever-improving international cooperation still has some way to go. This development is partly the result of the enhanced cooperation of all the Member States, which have participated to a greater degree in arresting the accused and gathering evidence. This affords me great satisfaction since, need I recall, the International Tribunal does not have its own police force to implement its decisions and must thus rely on the unfailing support of all the States represented here.

In this respect, some of the political changes which the Balkans have recently witnessed are encouraging. Indeed, the arrest and transfer of Slobodan Milošević to The Hague last June attests to the resolve of the authorities of Serbia better to comply with its international obligations arising out of Security Council resolution 827 (1993) and article 29 of the Statute of the International Tribunal. Likewise, the advent of a democratic force in the Republic of Croatia almost two years ago has led to enhanced cooperation between that State and the International Tribunal.

It nonetheless remains that this new resolve to extend cooperation — which, I would stress, is still too inconsistent — has yet to be proven with regard to all the accused. In the same vein, it must also be broadened in respect of the enforcement of sentences since, under the Statute, the Member States must receive the convicted persons. I will return to this in a moment.

Thirdly, the expanding reform process begun two years ago is starting to produce initial results. This year will undeniably have been marked by the implementation of the reforms initiated two years ago by the judges of the International Tribunal, with Members' assistance, in order to fulfil even more rapidly the mandate we received from the community of nations.

I would recall that the reforms include both external aspects, undoubtedly requiring further material and human resources from the United Nations, and internal aspects, which, I cannot stress too often, call for an in-depth rethinking of the structures and operating methods of the International Tribunal. In this regard, allow me to recall the three principal objectives sought by the reforms. In brief, they must first expedite the pre-trial phase. Next, they seek to increase the International Tribunal's trial capacity by providing it with a pool of ad litem judges to be called upon to hear specific cases. Lastly, they are intended to make the procedures more responsive to the International Tribunal's overriding need for expeditiousness, in particular by bolstering the judges' powers during the proceedings.

The reforms came into force pursuant, in particular, to Security Council resolution 1329 (2000). On 30 November 2000, the Security Council approved the creation of a pool of ad litem judges. Furthermore, so that the different organs of the International Tribunal — the Chambers, the Office of the Prosecutor and the Registry, as I said earlier — might coordinate more closely in setting the judicial priorities and so that resources might be better managed, a Coordination Council and a Management Committee were created in January 2001.

Other reforms, designed mainly to improve the operation of the two International Tribunals' Appeals Chambers, are currently being implemented. In broad terms, this means providing the Chambers with all the tools they need to cope with the considerable increase in their workload and, of course, to ensure that the case law of the two International Tribunals is more consistent.

Furthermore, I hope that the International Tribunal will soon have a genuine defence organ. Members may rest assured that a defence organ exists,

but ensuring that the trials are balanced has been one of the everyday concerns of the judges since the Tribunal was established. Beyond counsel actually being in court, which is already a reality, such balance requires that there be a defence counsel organization guaranteeing their independence and professional ethics. The bar should coming into being in 2002.

With the gradual adoption of these reforms, the International Tribunal's judicial activity has increased. The first six ad litem judges called to serve at the International Tribunal in early September 2001 immediately began to hear three new trials. Thus, for the first time in its history, the International Tribunal is conducting four trials at once. As of January 2002, three more ad litem judges will serve at the International Tribunal, bringing the total number of ad litem judges to nine. As I announced last year from this rostrum, the Trial Chambers will be holding six simultaneous trials on a daily basis, which will make it possible for the International Tribunal to double its trial capacity and to complete first instance proceedings in the year 2007, with the proviso, as I recalled earlier, that all the accused are arrested forthwith. However, as I have said and stress once again, the Tribunal must enjoy the necessary resources to that end, which may be somewhat difficult to secure in its forthcoming budget, which, as Members are aware, will for the first time cover a two-year period. I call on Members' support, now more than ever, so that we can hold those six trials simultaneously and thus reduce by half the time required to accomplish our mission.

I have spoken of a second difficulty with respect to adapting the Tribunal to the new international reality. Arresting all the accused and, in my opinion, reorienting the International Tribunal's judicial priorities should be tied in with the reform process. The hope of accomplishing our mission at the earliest opportunity, kindled by the implementation of the reforms I have just briefly described, must not lead us to forget that several of the accused, high-ranking political and military leaders, remain at large. Some, I would recall, reside with total impunity in the Federal Republic of Yugoslavia — a State represented here — while others have taken refuge in the territory of Republika Srpska, even though its authorities claim to wish to cooperate with the International Tribunal.

Yet, I recall, just as my predecessors have recalled in this very Hall, it is those individuals, who held high military or political office, who must first and foremost answer for their acts before the International Tribunal, which was set up, inter alia, as the guarantor of peace and security in the Balkans. Moreover, should they not all be arrested in the near future, it will clearly be impossible to accomplish the mission of the International Tribunal within the intended time frame.

However, this hope must not mask the fact that there have been significant political changes recently in the Balkans and on the international scene, as Members know better than I. These political changes call on us to reflect together on the future priorities to assign to the International Tribunal. Indeed, the States of the former Yugoslavia, now more inclined towards democratic openness than they once were, are claiming ever more insistently the legitimate right to try the criminals in their territory themselves. At the same time, they are even proposing to establish truth and reconciliation commissions.

Along with these changes in the Balkans, the fight against terrorism — now uppermost in the minds of the international community represented here — must prompt us in the Tribunal, now more than ever, to bring our mission to a swift close. This is especially true given that voices challenging the legitimacy and credibility of the Tribunal called to try crimes, some dating back over 10 years, are now beginning to make themselves heard in public opinion. In addition, with the establishment of the future International Criminal Court, States will certainly mobilize themselves further to ensure that we finish our mission as rapidly as possible so that they do not have to bear the enormous financial costs that the simultaneous operation of three international criminal courts represents.

The upheavals must prompt us to rethink, in concert, what judicial priorities to assign to the International Tribunal in the years to come. Admittedly, we can still introduce other reforms in order to further accelerate the trials, and I will actively devote myself to doing so during the current mandate, which begins today. However, it must be noted that the proceedings have already been substantially improved in all their aspects and can no longer be appreciably amended without calling into question the principal features of the international criminal trial established under the Statute.

From this perspective, I would like to reiterate the concerns of all the judges from both International Tribunals who, in the presence of the representative of the United Nations Secretary-General, met in Dublin this September and discussed the results of and prospects for their mission after eight years of activity. They undertook a critical review of the legal rules available to them for fulfilling their mission and debated whether the Tribunals should not focus even more — as called for by Security Council resolution 1329 (2000) — on prosecuting the crimes that constitute the most serious breaches of international public law and order — that is, principally those committed by major military leaders and high-ranking officials.

In this respect, I wish to pay special tribute to the selective prosecutorial policy of Mrs. Del Ponte, Prosecutor at the International Tribunal, who is with us today. She shares our core concerns in this matter and will undoubtedly so inform the Security Council in the near future, because, as you know, this is a matter within her competence.

We also believe it is appropriate to consider new ways to encourage the relocation of some cases — that is, to have the courts of the States of the former Yugoslavia conduct the trials. In addition to lightening the International Tribunal's workload, the referral of some cases to the national courts should make the trials more transparent to the local population and make a more effective contribution to reconciliation among the peoples of the Balkans.

Yet there can be no doubt that, should we choose to go farther down this path, we will be responsible for ensuring that these courts have the resources required for carrying out their mission of justice with absolute independence and impartiality and with due regard for the principles governing international humanitarian law and the protection of human rights. For this reason, it will be our duty to ensure that, with the gradual relocation of cases of lesser importance for the International Tribunal, war criminals do not enjoy impunity and trials are not trials in name only. Let us never forget the voice of the victims, who have thus far placed their trust in our Tribunal.

Therefore, it will fall to the international community to participate more actively and promptly in reconstructing the judicial systems of the countries created out of the former Yugoslavia. Indeed, any relocation process can occur only within a judicial system rebuilt on democratic foundations. That presupposes, among other things, the development of training programmes for local judges and, possibly, under arrangements to be worked out, the sending of international judges and observers.

From this same perspective and on behalf of the International Tribunal, I supported the establishment of the truth and reconciliation commission in Bosnia and Herzegovina — in my view, a mechanism complementary to the International Tribunal's action and, moreover, essential for the reconstruction of that country's national identity.

I shall conclude this presentation by noting that, at the outset of its third four-year mandate, the International Tribunal simply has to reflect more thoroughly on the meaning and scope of the mission it received from the Assembly. All of the judges and I have reflected on this, and I can assure Members that we are now more determined than ever to use all means — insofar as our procedural and organizational resources allow, of course — to meet the expectations of the international community and bring the end of our mission within sight. It should, however, be realized that the judges, on whose behalf I speak today, do not hold all the keys to doing so. Some of these keys, such as arrests and evidence, are in the hands of the States concerned; others are held by the Office of the Prosecutor and still others belong to international organizations.

Even so, I wish Members to know that we are ever mindful of the fact that, in fulfilling the mission the Assembly has conferred on us, the voice of the victims and reconciliation among peoples must guide our reflection, just as they must guide the Assembly's decisions. For while it is true that there can be no peace without justice, I will make my own the words of a great French contemporary philosopher who said that a society cannot live angry with itself forever. I would add that it is towards this goal that the International Tribunal, along with all its organs, is striving: to understand the past in order to better prepare the future.

Mr. Kolby (Norway): We are deeply impressed by the achievements and the high standards of the Tribunal for the Former Yugoslavia, as reflected in various judgements as well as in the report before us.

We thank the President of the Tribunal for the detailed annual report.

The Tribunal's work has become a widely recognized contribution to the search for truth and the fight against impunity as regards the most serious crimes. Thus it may assist in the process of rebuilding civil society under the rule of law. Regrettably, in a global context, the availability of international criminal justice is still the exception rather than the rule. In this regard, the judgements of the Tribunal represent important contributions to international jurisprudence with regard to the prosecution of the most serious international crimes.

Recent judgements and indictments have shed light on various chains of events linked to the cycle of violence in the former Yugoslavia. During the period under review, we have seen precedent-setting cases like the first convictions by the Tribunal in which rape and enslavement were declared crimes against humanity. The experience gained so far through the work of the Tribunal is also a stepping stone towards the forthcoming establishment of the International Criminal Court.

No one should gamble on impunity with regard to acts of genocide, other crimes against humanity or serious war crimes. In light of the still-high number of accused at large, we regretfully note that the rate of arrests by the Stabilisation Force (SFOR) dropped significantly during the period under review. The international community will not waver in its long-term commitment to the fulfilment of the mandate of the International Criminal Tribunal for the Former Yugoslavia.

State cooperation in the arrest of the accused remains a crucial factor in the operation of the Tribunal. The arrest and subsequent transfer of former President Slobodan Milošević to The Hague is a landmark in the field of international criminal justice. The transfer makes clear that no individual is above the law, regardless of his or her position. We applaud the responsible decision of the Yugoslav authorities to meet Yugoslavia's international obligations. It is a turning point that all authorities throughout the former Yugoslavia must now recognize. The duty to cooperate with the Tribunal, in accordance with the binding decisions of the Security Council, is not negotiable.

It is critical to the success of the Tribunal that the population in the region be informed about its work and understand its significance. It is our hope and belief that this is happening, albeit gradually. An important initiative taken by the Tribunal in this regard is the Outreach Programme, which provides accurate and topical information on the ICTY and its activities to the populations of the former Yugoslavia. Norway welcomes the expanded activities and continuous developments of the Outreach Programme. We support the proposal to make the ICTY Outreach Programme part of the main Tribunal budget for the period 2002 and 2003. We encourage all States to support actively the continuous work of bringing the judicial process closer to the public, so as to actively promote increased insight, which may be an important contribution to long-term peace and reconciliation in the area.

Norway further appeals to States that have not yet done so to take all the legislative steps necessary to ensure effective State cooperation with the Tribunal. In addition to implementing legislation and ensuring compliance with the Tribunal's requests for assistance, concrete support to the Tribunal should be shown through financial and material support.

The Norwegian Government has demonstrated its willingness to consider applications from the Tribunal concerning the enforcement of sentences and subsequently, in conformity with national laws, to receive a limited number of convicted persons to serve their sentence in Norway. We encourage other States to prove their continued commitment to the work of the Tribunal through concrete action in this crucial field.

We have previously stated our concern about the length of the proceedings. During the period under review, the Tribunal implemented far-reaching reforms regarding pre-trial activity, judges' powers at trial and Tribunal organization, leading to a remarkable increase in its judicial activity. We believe that the decisions by the Security Council to create a pool of 27 ad litem judges available to the Tribunal to draw upon, as well as to increase the number of judges in the Appeals Chamber, will further enable the judges to cope effectively with the significant increase in their workload.

However, the International Tribunal alone cannot carry out all the work required to restore and maintain peace in the former Yugoslavia. The Tribunal will not be able to try all the perpetrators of serious violations of humanitarian law committed during a conflict that lasted more than five years. The International Tribunal

can only try those who bear the greatest responsibility for the crimes committed.

In order to reconstruct a national identity in the region, it is essential that the domestic courts try the subordinates who carried out the orders. In the meantime, the Tribunal must give high priority to the timely fulfilment of its mandate with regard to investigation and prosecution of key persons responsible for atrocities. At the same time, we must allow for sufficient flexibility in order to ensure that no perpetrator of such crimes can gamble on impunity based on the provisional nature of the Tribunal.

Mr. Yahaya (Malaysia): Allow me at the outset to express my delegation's appreciation to Judge Claude Jorda, President of the International Tribunal for the Former Yugoslavia (ICTY), for introducing the report.

We are pleased to note that during the reporting period 13 indictments involving 69 indicted persons were registered. In addition, 49 persons were detained in The Hague. During the period under review, the Tribunal was involved in 17 cases and 41 appeals. The Tribunal also rendered three trial judgements and three appeals judgements. The statistics are testimony to the efficacy of the Tribunal in carrying out its very challenging mandate.

We are gratified that it has developed into a fully functioning institution, rendering judgements and setting important precedents of international, criminal and humanitarian law.

Malaysia is further gratified that the reform process of the Tribunal is well under way in all three of its organs. The creation of the Coordination Council and Management Committee in January 2001 should further enhance the Tribunal's capability. We are also pleased that the new six permanent judges and six ad litem judges have assumed their posts in the Tribunal. With 22 judges at its disposal, the Tribunal will be able to hear more cases, which, in return, will facilitate the expeditious implementation of its mandate.

We also wish to take this opportunity to express our profound appreciation to the outgoing judges for their outstanding service to the Tribunal on behalf of the international community and humanity in general. It is Malaysia's earnest hope that the reform process will address deficiencies in the system, which up to now has not been able to apprehend the major indicted war criminals still at large, particularly Radovan Karadzić and Ratko Mladić. It is our hope that the zealousness with which the major Powers are pursuing terrorist suspects in Afghanistan will also be matched by efforts to apprehend indicted war criminals in the Balkans.

The mandate of the Tribunal will not be considered complete without the apprehension and trial of such major characters. Their continued freedom and impunity will contribute to the climate of insecurity and will limit refugee return, particularly in minority areas. It will also question the seriousness of the international community in apprehending them and their ilk and will pose threats to the long-term future, peace and security of Bosnia and Herzegovina.

Bosnia and Herzegovina experienced one of the most traumatic humanitarian tragedies of the last century. In this regard, the work of the Tribunal in meting out justice to war criminals is not only important in itself; it is integral to the process of healing the wounds of violent conflict and bringing about reconciliation and lasting peace among the ethnic communities in that country. The success of its work would have a major impact on the restoration of stability in the Balkan region. Without doubt, the Srebrenica massacre of July 1995 was among the worst war crimes of the twentieth century. The Tribunal's decision in sentencing Mr. Radislav Krstić to 46 years in prison for the genocide committed in Srebrenica will contribute in some ways to lessening the pain suffered by the families of the 8,000 massacred among the Bosnian population there. My delegation hopes that this sentence will serve as a reminder that such heinous crimes will not be allowed to go unpunished.

The detention of Mr. Slobodan Milosevic is a major achievement in the work of the Tribunal. We note that he has now also been charged with 29 counts of crimes committed in Bosnia and Herzegovina between 1992 and 1995. We hope that the arrest and surrender of Mr. Milošević will mark the beginning of a new chapter of cooperation between the Government of the Federal Republic of Yugoslavia and the Tribunal.

However, my delegation remains seriously concerned that the 26 publicly indicted accused still remain at large, believed to be hiding mostly in the Republika Srpska and the Federal Republic of Yugoslavia.

We reiterate the importance of the Tribunal's receiving the necessary support and cooperation of all the parties concerned in the implementation of its mandate. We therefore urge the authorities in the Republika Srpska to demonstrate their full cooperation with the Tribunal in this regard.

The Bosnian and Kosovo conflicts were dark chapters in the history of the last century. These conflicts not only challenged the effectiveness and credibility of the United Nations, but they also exposed the dark side of humanity. The consequences of ethnic cleansing and crimes against humanity that were perpetuated in the Balkans must be reversed and justice be done — and done quickly. Such heinous crimes must not be tolerated and must never be allowed to happen again.

In reiterating our fullest support for the Tribunal, Malaysia calls once again on the international community to give its all-out support to the Tribunal in carrying out its mandate.

Mr. Maréchal (Belgium) (*spoke in French*): I have the honour to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and the associated countries of Cyprus, Malta and Turkey, align themselves with this statement.

There is no doubt that the establishment of the International Criminal Tribunal for the former Yugoslavia in 1993 marked a significant step forward in international criminal law and has opened up an entirely new field of United Nations action. Although expectations were high, enormous practical and political difficulties stood in the way. Nor did some observers at the time hide their scepticism regarding the Tribunal's chances for success.

Today, thanks to the unremitting efforts of its staff and the determined support of the international community, the Tribunal is fully operational and has become a key factor in the pacification and stabilization of the Balkan region.

Its legitimacy is now universally recognized. The arrest and subsequent transfer to the Hague of former President Milošević is a major development in this area. They also betoken a spectacular advance in international law: the first time that a former Head of State will be judged by an international court. This is an eloquent reminder that there can be no impunity, even at the highest level of power, for those responsible for the most serious crimes against international humanitarian law.

By thus meeting its international obligations, the Federal Republic of Yugoslavia itself has opted for total reintegration into the international community. The European Union congratulates Yugoslavia on this historic decision and urges it to press firmly ahead towards full cooperation with the Tribunal. The new annual report submitted by its President, whom we thank, bears witness to the sustained activity of the Tribunal.

The European Union particularly welcomes the introduction of several reforms during the period under consideration. The addition of 27 ad litem judges, agreed by the Security Council last year, will double the capacity of the Chambers. The judges have already been elected, and six of them began their work in September of this year. It is indeed important that all defendants be able to be judged within a reasonable period of time. In order to achieve this target, the Tribunal must also constantly consider its efforts in order to improve its working methods in the light of experience gained. In this regard, the European Union notes with satisfaction the amendments made to the rules of procedure and evidence designed to speed up procedures before and during the court proceedings.

We also note the establishment of a Coordination Council and a Management Committee and trust that these measures will actually improve the administration of the Tribunal and the cohesion among its various components.

We also congratulate the Prosecutor on having undertaken the reorganization of her investigation services in the interests of enhanced performance and efficiency. In this connection, the Tribunal is certainly greatly dependent on the cooperation of the States. The Union welcomes the progress achieved in this area.

We have already acknowledged the cooperation of the Federal Republic of Yugoslavia in proceeding with the arrest and transfer of Slobodan Milošević. We are confident that such cooperation will continue to be exercised, and we trust that it will enable us to proceed swiftly with the arrest of the other accused persons in the Federal Republic of Yugoslavia. We call

particularly on the authorities of Montenegro to add their weight to these efforts.

We also congratulate Croatia on the new spirit of cooperation that it has shown and urge that country to step up cooperation still further.

In the case of Bosnia and Herzegovina, however, we continue to be concerned about the situation in the Republika Srpska. Despite the progress achieved, in particular with the adoption of a bill on cooperation with the Tribunal, actual results have yet to emerge, particularly, as indicated in the report, with regard to the arrest of accused persons known to be hiding in the Republika Srpska.

In order to facilitate and uphold cooperation with the Tribunal in the countries concerned, it is essential to continue the programme of information on the Tribunal's activities, particularly among the local populations.

The Union hopes that all of these measures will result in the acceleration of Tribunal proceedings in 2002, because, despite the remarkable work carried out thus far, much remains to be done — persons on remand or waiting trial, investigations yet to be conducted, arrests to be made. The Tribunal must spare no effort in seeking to complete its task as soon as possible.

We should remember that the Tribunal's task is to judge only those supremely responsible for the crimes committed on former Yugoslav soil. Crimes committed at the lower level will be increasingly matters for the national courts to judge.

I would not wish to end without thanking all the members of the Tribunal, the Chambers, the Court of Appeal, the Registry and the Prosecutor's Office for their action in this regard. Their contribution towards peace and security in the region by ushering in justice and facilitating reconciliation is a fundamental one. In many respects, their work is in itself an innovation, paving the way for the International Criminal Court, which we hope to see established before very long. They may rest assured of our total support.

Mr. Šahović (Yugoslavia) Allow me at the outset to thank the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Claude Jorda, for his statement and presentation of the Tribunal's annual report, which we have studied very carefully.

We are considering the current ICTY report against the background of a changed political environment in the region as a whole and in the Federal Republic of Yugoslavia in particular. The democratic transformation that has been under way in my country during the past year has created a new basis for cooperation with the Tribunal. Progress in that respect is evident, as acknowledged in the report.

In his recent address to the General Assembly, Foreign Minister Svilanović emphasized several pressing issues that are of crucial importance for the Federal Republic of Yugoslavia. One of them is cooperation with the Hague Tribunal. My country is well aware of its obligations in that respect, and it is committed to fulfil them. It is not an easy task, and it should be understood as a process — one, of course, that will have a conclusion. In this context, the Federal Government, as well as the Governments of both Republics, are making serious efforts and have taken a number of concrete measures to enhance cooperation.

Allow me to briefly mention some of them. The Prosecutor's Office was reopened in Belgrade a year ago. The staff of the Office has full freedom of movement and can discharge of their duties unimpeded, including interviews with victims and witnesses. Tribunal investigators participate in investigations related to mass grave exhumations in the territory of the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia has transferred to The Hague a number of its citizens; Slobodan Milošević was among them. Indictees from elsewhere in the region who resided in Yugoslavia were also transferred to The Hague. It is worth noting also that an increasing number of indictees voluntarily surrender to the Tribunal. Work on formulating an internal legal framework aimed at facilitating cooperation with the Tribunal is under way. Experts are drafting a law on cooperation with the Tribunal, based on international law and our internal legislation. Once finalized, this law will regulate the cooperation with the ICTY in a most comprehensive manner.

The Federal Republic of Yugoslavia has followed the proceedings of the Tribunal with great attention. We fully understand the complexity of the Tribunal's work. However, we have noted that some issues should be addressed in order to improve the proceedings and make them fully balanced. One of them is the frequent changing of the rules of procedure and evidence, which has occurred 20 times so far. Another is the practice of

issuing sealed indictments. Both lead to legal uncertainty. The latter, in our opinion, violates the transparency of proceedings as well.

There are other issues that we believe should be looked at. For example, the Federal Republic of Yugoslavia is of the view that the Statute of the Tribunal should be amended so as to compensate those indicted and detained, but subsequently found not guilty by the Tribunal. We also consider that those who voluntarily surrender to the Tribunal should be guaranteed provisional release pending trial — of course, if the appropriate guarantees are provided to the Tribunal.

On another issue related to the Tribunal's work, I would like to point out that the ICTY has agreed to carry out investigations of crimes committed in Kosovo and Metohija prior to 10 June 1999. However, many crimes have been committed against non-Albanians, particularly Serbs, since the arrival of KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK) to Kosovo and Metohija on that date. Efforts should be made to bring the perpetrators of these crimes to justice as well. This would be in full accordance with the principle that every crime should be prosecuted and punished, and would help resolve a number of complex problems that still exist in Kosovo and Metohija.

We believe that the positions of the Federal Republic of Yugoslavia on certain aspects of the ICTY's work — for example, those mentioned above — should be taken into account. This would greatly facilitate mutual cooperation and strengthen the argument that the Tribunal is an objective and impartial body whose efforts constitute an important element in overcoming all aspects of the crisis in the former Yugoslavia.

My Government would like to see all perpetrators of war crimes in the former Yugoslavia punished. Only in this way can we re-establish confidence, achieve reconciliation and bring stability to the region. In this context, we consider it exceptionally important — and we share the view expressed by the President of the Tribunal — that national courts be entrusted to try greater numbers of the cases that are under ICTY jurisdiction. Such a step would be in full accordance with the democratic changes that have taken place in the entire region.

It is our expectation that the resolve of all concerned to cooperate with the Tribunal, as well as the openness of the Tribunal to constructive proposals, will result in the successful fulfilment of its serious tasks. The Federal Republic of Yugoslavia will make an active and constructive contribution to that process.

Mr. Šimonović (Croatia): This eighth report of the International Criminal Tribunal for the Former Yugoslavia (ICTY), presented by its President, Judge Jorda, whom we thank, records a number of encouraging achievements. His address today is even more interesting in that it indicates guidelines for the future activities of the Tribunal, which we fully support.

The apprehension and trial of Milošević, finally, after all these years, fully justifies the establishment of the ICTY. Bringing Milošević, until recently President of Serbia and the Federal Republic of Yugoslavia, to trial for crimes committed while in office demonstrates that nobody is above the law or beyond the reach of international criminal justice. Furthermore, by extending the charges against Milošević to crimes committed in Croatia and Bosnia and Herzegovina, the Prosecutor has finally addressed the root causes of the conflict in the former Yugoslavia. The proceedings against Milošević will therefore be an important step towards the establishment of a reliable historical account, necessary for reconciliation among the nations and States of the region.

The indictment against Milošević for Croatia is well grounded and articulated, reflecting the Tribunal's meticulous work. My Government contributed to this indictment by submitting evidence and by cooperating with the Tribunal. We note with satisfaction that the Prosecutor established Milošević's responsibility for crimes committed by all military and paramilitary units under his de facto control. The Republic of Croatia has expressed the same legal position in its memorial submitted to the International Court of Justice in the proceedings against the Federal Republic of Yugoslavia for genocide. However, in this respect, it is somewhat disappointing that, although the ICTY's indictment against Milošević charges him, among other things, with the extermination of the non-Serbian population in Croatia on the basis of their nationality, the Prosecutor has stopped short of qualifying this as a crime of genocide. My Government welcomes the fact that Milošević's indictment for Bosnia includes charges for genocide perpetrated against Bosnian Croats and

Muslims, and hopes that during the process, the indictment of Milošević for crimes committed in Croatia will be extended to include genocide as well.

Encouraging as they are, these recent developments must not make us forget that some of the major military leaders and high-ranking officials responsible for the war and related crimes are still at large. As the beginning of the trial of Milošević for his crimes committed in Croatia approaches, it is very important that his accomplices mentioned in his indictment also be indicted and apprehended. Also, those previously indicted for the crimes committed in Vukovar — namely, Šljivančanin, Mrkšić and Radić — should be immediately apprehended and brought to trial. It is not only a matter of justice 10 years after the massacre in Vukovar, but also of obtaining their testimonies on the involvement of the previous Serbian leadership, especially Milošević, in various war crimes, crimes against humanity and genocide.

The same goes for the others: it is intolerable and embarrassing both for the victims and for the international community that notorious war criminals, such as Martić, Karadžić and Mladić, can still find safe haven. As for the States which still harbour them — and the President of the Tribunal, in his statement today, explicitly mentioned the Federal Republic of Yugoslavia and the Republika Srpska in that context — so long as they avoid extraditing them, they continue to be associated with their crimes.

We fully support the appeal made today by the President of the Tribunal that, owing to the changing situation in the region and in the world at large, fulfilment of the Tribunal's mandate should be speeded up and that we should reflect together on the priorities to assign to the Tribunal in the future.

We firmly believe that the Tribunal should follow the model of the Milošević case in its future proceedings. In that respect, it is very important to note two main features of that model: the high profile of the indicted and, besides his command responsibility, his individual criminal responsibility. In our view, all future processes before the ICTY should be reserved exclusively for high-level perpetrators whose charges also involve individual responsibility.

However, this in no way means that lower-echelon war criminals should be forgotten. We can achieve reconciliation only by prosecuting all who are responsible for war crimes, no matter what their affiliation or ethnic origin. The report of the President of the Tribunal has rightly acknowledged the critical role that domestic courts should have in this respect. The purpose of the ICTY is not to replace national justice systems permanently, but to encourage them to do their job and fully to respect the rule of law. As the improving security situation in South-East Europe allows the beginning of the phasing out of the Tribunal's activities, one of the first steps of the exit strategy should be a gradual shift of the workload from the international level to the national level. That does not refer only to new cases: as soon as national courts prove to be trustworthy — and I believe that Croatian courts already have done so — they should also be given the opportunity to take over the proceedings against those previously indicted by the Tribunal and whose prosecution is no longer a priority for the Tribunal.

The prosecution of all war criminals, irrespective of their religious, national or other affiliation, was duly recognized as a commitment of the Croatian Government at the beginning of its mandate. That commitment is being consistently carried out, both before the national courts and through cooperation with the Tribunal. During the last two years, cooperation with the Prosecutor's Office considerably advanced with respect to satisfying that Office's requests for assistance, access to classified documents and investigative collaboration in the field. A number of proceedings before Croatian courts were initiated or reopened, including some for crimes committed against the Serbian population.

Croatia invites other countries within the scope of the jurisdiction of the ICTY to contribute in the same way to the processes of reconciliation, long-term stability and cooperation. We commend the Government of Montenegro for facilitating the recent voluntary surrender to the Tribunal of the generals indicted for war crimes committed in Dubrovnik. The Government of Croatia is also willing to improve its cooperation with the new Governments in Serbia and the Federal Republic of Yugoslavia in many areas; the punishment of individual crimes should not stand in the way of these positive developments. In order to redirect our energies towards the future, those responsible for war crimes should be punished as soon as possible.

The establishment of the ICTY represented a major step in the process of the development of

international criminal jurisdiction. For the first time in history, the International Tribunal has prosecuted perpetrators of war crimes belonging to all parties to the conflict. However, being an ad hoc tribunal established by the Security Council for an individual situation, the ICTY necessarily has remained somewhat selective. The establishment of the permanent International Criminal Court, with ex ante jurisdiction, which is expected as early as next summer, will represent another major breakthrough. It will overcome both the deficiencies inherent in "victor's justice", and selective and retroactive ad hoc adjudication.

The International Criminal Court has a lot to learn from the ICTY, whose experiences had a precursory role in many respects. But the ICTY should also learn from its own experience and should be ready to evolve. For example, learning from the shortcomings of the ICTY, the International Criminal Court provides for compensation to wrongfully detained, prosecuted or convicted persons. We see no reason why that improved solution, rooted in international human rights law and corresponding to the practice of the most contemporary legal systems, including those of all the countries under ICTY jurisdiction, should not be introduced through the adequate amendment of the Statute or the Rules of Procedure. A similar well substantiated initiative was presented a year ago by the Tribunal's President and has been endorsed by a number of Governments, including mine, but without any practical impact. We also believe that the provision of compensation to war-crime victims, which my Government has supported and continues to support, requires our further consideration and efforts.

Finally, my Government welcomes the structural and procedural changes introduced over the past year aimed at ensuring that all the accused who have already been or who will be apprehended are tried without undue delay. We hope that those measures will prove effective in practice.

Mr. Kusljugic (Bosnia and Herzegovina): For a decade, Bosnia and Herzegovina was a global and regional problem frequently addressed in the United Nations. However, recent reports of the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia and reports of the Office of the United Nations High Commissioner for Refugees (UNHCR) regarding the process of return in Bosnia and Herzegovina, as well as the general opinion about the evident overall progress in my country expressed in bilateral meetings and in meetings with United Nations officials which our delegation held during the ministerial week of this session, have clearly shown that Bosnia and Herzegovina is no longer part of the problem in the Balkans, but is part of the solution in South-East Europe. More and more, Bosnia and Herzegovina is becoming a paradigm for dialogue among diverse elements. It is becoming a model of peaceful coexistence among different ethnic groups, confessions and cultures instead of the symbol of a clash among civilizations imposed by force. For the Government of Bosnia and Herzegovina, the priority for further action in the areas of institution-development, the improvement of human rights, and political and economic reform is the sustainability of the progress that has been achieved.

Today, when the report of the International Criminal Tribunal for the Former Yugoslavia (ICTY) is on the agenda of the General Assembly, I want to convey the opinion of my Government regarding the role which the ICTY has played in supporting the progress that has been achieved in Bosnia and Herzegovina as well our expectations for its future activities, which should contribute to the sustainability of the progress being made.

The Government of Bosnia and Herzegovina fully supports the efforts of the ICTY, not only in words but also in deeds, and considers that the Tribunal is playing an important role in the process of reconciliation and of the maintenance of peace and security both within the country and in the region as a whole. We acknowledge the achievements of the ICTY during the past year, especially the activities that resulted in the imprisonment of Slobodan Milošević at The Hague. We also emphasize the universal importance of the work of the ICTY, especially since the tragic events of 11 September, as a legal tool in the fight against war criminals: both terrorists and war criminals use barbaric acts against innocent civilians and against the values of our shared civilization to achieve their uncivilized objectives. We especially underline the role of the ICTY in the individualization of war crimes as a precondition for inter-ethnic reconciliation.

Taking into account that the year 2002 is critical for the sustainability of the progress initiated both in Bosnia and Herzegovina and in the region and noting the improved cooperation between the International

Tribunal and the States and entities in the region, my Government expects that the future activities of the ICTY will have a substantial effect on the following processes: the return of internally displaced persons and refugees both in Bosnia and Herzegovina and the region, inter-ethnic reconciliation, regional cooperation, institutional development and the rule of law, political and economic reforms and the integration into Europe of the countries in the region. It is obvious that the large number of individuals named in public indictments who still remain at large substantially obstructs the return process, inter-ethnic reconciliation and, in Bosnia and Herzegovina, the implementation of the Dayton Peace Agreement.

The statistically recorded accelerated rate at which the refugees are returning to areas where they are now an ethnic minority are taken as the best proof of Bosnia and Herzegovina's recovery.

However, more detailed analysis shows that the return is not equally distributed geographically. There are still localities in both the entities of Bosnia and Herzegovina, especially in its eastern parts, so-called black spots, where the return figures are very low. Further analysis shows that these areas are known to be safe havens for indicted war criminals alleged to have committed violations of international humanitarian law during 1992-1995: mass murder, ethnic cleansing, mass rape, even genocide. These areas are known to be the places where indicted war criminals, together with people who orchestrated the ethnic cleansing and with the war profiteers, remain in a position to influence political, administrative and economic processes. They have built a parallel system, and they substantially obstruct refugee return, both publicly and behind the scenes.

These facts are known to both the local authorities and international officials. We strongly believe that 2002 will be the year of decisive action, first, by the international organizations aiming to capture and imprison all indicted war criminals — not only well-known "big fish" like Karadžić and Mladić, but also numerous "small fish", local warlords.

The recorded accelerated rate of refugee return in Bosnia and Herzegovina will not be sustained until many more suspected war criminals appear before the ICTY or locally authorized courts. Taking into account the ICTY's lack of resources, the Government of Bosnia and Herzegovina supports and welcomes the initiative to establish a local judicial structure, under the auspices of the ICTY, for processing some of indicted war criminal cases, and suggests that the Court of Bosnia and Herzegovina, which was established by the High Representative's decision, could be the first judiciary institution for delegating such a task in Bosnia and Herzegovina.

It is obvious that only an integral, regional approach could further improve the refugee return process. We also strongly believe that the prosecution of the indicted war criminals requires a regional approach, and we call upon all the States in the region to improve cooperation regarding the exchange of information and coordination of police activities. We consider that close regional cooperation is necessary not only regarding anti-terrorist, anti-criminal and anti-corruption activities but also in an organized and systematic fight against war criminals fight. Considering the recent decision of NATO for the regionally based organization of its operations, we propose regional cooperation regarding these issues. We strongly believe that this approach will further strengthen overall regional cooperation, which is one of the priorities for Bosnia and Herzegovina.

War criminals, like terrorists, are symbols of the use of violence to achieve political goals; hence, they bring the risk of new conflicts in Bosnia and Herzegovina and are a source of continued instability in the region. They and the war profiteers are also symbols of a war economy based on crime and corruption. That is why they are called warlords. Their natural environment is a weak State, the rule of power, poverty and corrupted administration. That is why the indicted war criminals who remain at large seriously undermine Bosnia and Herzegovina's chances for implementing institutional, political and economic reforms, necessary to generate self-sustainable economic growth and to begin the process of integration with the rest of Europe.

In Bosnia and Herzegovina, all political parties claim that they support reforms and the European future of the country. The first test for all of them is their readiness to actively contribute to current and future efforts to trace and bring to justice — publicly or secretly — indicted war criminals. In Bosnia and Herzegovina and in the region there is no concept of "our heroes" and "their war criminals", there is simply "we" and "they". "We" want normal life in a normal, democratic, open society and prosperous country

integrated with the rest of Europe. "They", the war criminals, want a weak, isolated State and a closed, undemocratic society. Their economy is based upon crime and corruption, deeply rooted in poverty, injustice and the rule of power. Their only interest is territorial and economic control within isolated ethnic areas.

The international community has to give the utmost priority to making their arrests happen. It is obvious that its assistance, even leading role, in this process is necessary. It is also its ethical and moral obligation. The anti-terrorist alliance has shown that it is possible to organize coordinated and unified action by the international community. Such a regionally focused action, which will accompany the ICTY work, coordinating local institutions and international organizations in the just fight against war criminals, is now more necessary than ever in South-Eastern Europe.

In Bosnia and Herzegovina, 2002 will be marked by two important events. First, the country will join the Council of Europe, taking responsibility for starting the necessary political, institutional and economic reforms. Secondly, for the first time since the war, the local election commission will organize general elections.

The activities of the ICTY, not only in Bosnia and Herzegovina but also in the region as a whole, will have, in our opinion, a substantial impact on both events. We emphasize that priority should be given to arresting war criminals already indicted, and related actions should be planned for the beginning of the year, not for the period of the election campaign. The leading role in these activities should be taken by the international organizations. The process of reorganizing the international presence in Bosnia and Herzegovina, planned for the beginning of the next year, should be used to clearly determine the responsibility among international organizations for taking such a role.

Finally, we call on all the States that have supported, politically and financially, the work of the ICTY to continue their contributions in the future, especially in view of the universal importance of its work after 11 September.

The Acting President (*spoke in Spanish*): We have thus concluded this stage of our consideration of agenda item 50.

Agenda item 51

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General transmitting the sixth annual report of the International Criminal Tribunal (A/56/351 and Corr.1)

The Acting President (*spoke in Spanish*): May I take it that the Assembly takes note of the sixth annual report of the International Criminal Tribunal for Rwanda (A/56/351 and Corr.1)?

It was so decided.

The Acting President (*spoke in Spanish*): I call on Ms. Navanethem Pillay, President of the International Criminal Tribunal for Rwanda.

Ms. Pillay: It is my honour to present to the Assembly a report of the activities of the International Criminal Tribunal for Rwanda (ICTR). A full and detailed report has been submitted to the Assembly for the period 1 July 2000 to 30 June 2001. I shall focus on several important areas of that report.

When I presented my report to the Assembly a year ago, in November 2000, I stated that judicial, administrative and prosecutorial steps had been undertaken during that year to prepare the ground for holding uninterrupted trials in the year 2001. Those endeavours included a change in management at the ICTR, the finalization of pre-trial litigation and disposal of the backlog of some 200 motions.

I am very pleased to report that, since my last address, there has been a significant increase in the number of trials. At this moment, seven trials involving 17 accused persons are in progress. All three Trial Chambers are engaged in simultaneous trials on a twin or multi-track system, with two of the Trial Chambers each conducting two trials, and the third Trial Chamber holding three trials. This is the result of the judicial pre-trial decisions and measures taken in previous years; we are now seeing the impact of this preparatory work on the ongoing trials.

I will briefly review the status of these trials to illustrate some of the factors that have caused delays in these proceedings, as well as some of the steps we have taken to expedite them. Three of these ongoing trials are joint trials of three to six accused persons, and, by virtue of their complexities and magnitude, will necessarily take a long time to be finalized. Nevertheless, during 2002 and 2003, the Assembly may expect judgements in the cases of a large number of accused.

Trial Chamber I commenced the Media trial of three accused persons and has heard 34 prosecution witnesses out of a list of 97. That list has, through the intervention of the Judges, been reduced to under 50, including four expert witnesses. One of the accused, Jean-Bosco Barayagwiza, elected from the beginning to boycott his trial. The Chamber has appointed Counsel to ensure that he is given a fair trial. The prosecution has not closed its case as yet, and we expect that the Media case will go on until December 2002.

The second case before Trial Chamber I is that of a father, Pastor Elizaphan Ntakirutimana, who was transferred to us from Texas, and his son. Prosecution witnesses have testified over a period of 27 days. We expect this to be a shorter case, to conclude by June 2002.

Trial Chamber II is conducting three trials simultaneously. They include the Butare trial, involving six accused, and two small trials involving Government Ministers. The two trials had commenced in March and April 2001, respectively, but, unfortunately, were brought to an abrupt end by the death of the Presiding Judge, the late Judge Laïty Kama of Senegal, on 7 May 2001. However, as a result of the expeditious election of two new Judges by the General Assembly on 24 April 2001 and the appointment of a third Judge by the Secretary-General on 31 May 2001, this Chamber was able to resume the trials without much delay. However, the heavy caseload of this Chamber means that it will not be able to undertake any new cases for the next two years.

Trial Chamber III is handling one major, joint trial involving three accused, and the Semanza case. In Semanza, they have heard 24 prosecution witnesses, including experts, over a period of 29 days. As a result of Chamber control, more than 16 witnesses were dropped by the prosecution. This case is expected to conclude in February 2002.

In the Cyangugu case, which is the joint trial, 40 prosecution witnesses were heard over 73 days, and here again, through the Judges' control, 16 witnesses were dropped from the prosecution list.

Since February this year, this third Trial Chamber has been getting the Military case of Colonel Théoneste Bagosora and three other accused persons ready for trial. A total of 27 pre-trial decisions have been rendered on this matter alone, each one, however, taking the case closer to trial stage. Given that this Chamber is about to conclude one of its two cases, it will begin the Military trial on 2 April 2002.

With regard to the judgements delivered by the ICTR during this year, on 7 June 2001 Trial Chamber I delivered the Tribunal's first judgement of acquittal, involving Bourgmestre Ignace Bagilishema. This judgment of acquittal has been appealed by the Prosecutor, hence the Chamber ordered his conditional release to France. The Appeals Chamber has rendered decisions in appeals involving five appellates. The Appeals Chamber confirmed the convictions and sentences of the Trial Chambers, although, in the Musema case, the rape conviction was quashed on the basis of additional evidence brought by the Appellant before the Appeals Chamber. The decisions of the Appeals Chamber are a significant endorsement of the fact that the trials conducted by the ICTR are fair and that the standard of proof beyond reasonable doubt to sustain a conviction is being observed.

The question has been asked by many here why the output of judgements is so low: a single judgement this year, and just eight in the four years since trials started in 1997. The fact is that only one case was ready for trial in autumn 1999. Other cases which were ready for trial by both prosecution and defence in 2000 are the ones that are ongoing now.

I shall explain briefly some of the difficulties obstructing expeditious trials and discuss some of the developments that have taken place and the efforts we have made to reduce delays and increase efficiency.

It is important to recall that judicial proceedings at the international level are far more complicated than judicial proceedings at the national level; unlike national courts, we are reliant on many factors beyond our control. Cases at the International Criminal

Tribunal for Rwanda are legally and factually complex because of the alleged rank, status and roles of the accused. In comparing the two Tribunals, it is important to recall that, in the case of the International Criminal Tribunal for Rwanda, the Prosecutor's strategy has, from the outset, focused on those suspects who are alleged to have been in the highest positions of leadership and authority and those who are alleged to have had the most prominent roles in the events in Rwanda in 1994. Consequently, the accused persons who have been indicted, some of whom are currently standing trial, include the former Prime Minister of Rwanda, Government ministers, high-ranking military officers, senior media personnel and other public figures.

Trials of accused who are alleged to have been the architects of killings are particularly complicated because command responsibility has to be established and a greater range of facts is at issue. Such trials at the International Criminal Tribunal for Rwanda therefore take longer than the trials of accused with lower levels of alleged responsibility.

Other factors that contribute to lengthy and protracted trials are the fact that voluminous documents need to be translated and disclosed to the parties and that the Prosecutor feels obliged to call a large number of witnesses so as to prove that genocide took place in the country. We also have to undertake the process of interpreting testimonies into three languages: Kinyarwanda, French and English. The ongoing investigations by the Prosecutor and the Defence, and the availability of witnesses and counsel are also factors.

It is important to note that, unlike in the case of national courts, witnesses and counsel are not geographically close to the ICTR and so are not within easy reach. Witnesses for both the prosecution and the defence are located in Rwanda and in countries all over the world — and they have to be persuaded to volunteer as witnesses. Negotiations have to be undertaken with the Governments of those countries for the travel of witnesses to the ICTR, as well as to ensure that protective measures are in place for the witnesses before they undertake to travel.

All of these factors are time consuming, and they often result in adjournments of the trials. Adding to these factors are the handicaps of functioning out of a hardship category "C" duty station. In the past year, we have lost six ICTR staff members as a result of illness or accidents. Simple communications that would take one hour in The Hague may take days, or even weeks, in Arusha. I ask the Assembly to bear in mind the reality with which we have to contend.

On the other hand, the judges have taken measures to expedite proceedings, and I should like to mention just a few of them. Some of them have already been mentioned by Judge Jorda with reference to the International Criminal Tribunal for the Former Yugoslavia. The Tribunals work closely together, and we follow the measures taken by the judges of both Tribunals. Most motions at the pre-trial stage are now heard on briefs. This saves court time and costs, such as those incurred by bringing lawyers to Arusha from the rest of the world. Motions are now dealt with by a single judge, not three judges. Long-term planning of court sessions is under way; this ensures the availability of counsel and witnesses. Greater control is exercised in the court room in order to minimize loss of time. One such measure is the reduction of witnesses and the duplication of evidence. In some cases, the judges have imposed sanctions for time-consuming tactics, for instance by denying costs for frivolous motions. I am also happy to note that the level of communication and cooperation between the various branches, such as the Chambers and the Registry, has improved. We now have precedential rulings and appeal decisions, which provide a guide and thus impede irrelevant motions.

Issues of efficiency were discussed at length by the judges of the two Tribunals at seminars at Ascot and Dublin. There was broad consensus among the judges that the delays experienced by both Tribunals needed to be addressed, and that there was a need for greater control over the presentation of evidence by the parties. We are now implementing greater controls with regard to such factors. These measures have already had an effect and they are among the reasons for the present significant acceleration of the pace of trial activities. However, there are limits as to what can be achieved with the present three Chambers and the current resources.

The Assembly may recall that, when I addressed it last year, I expressed our commitment to complete as many cases as possible of persons awaiting trial in our detention facility, within the present four-year mandate. As I have already mentioned, trials of 17 persons are under way. That leaves 26 detainees awaiting trial, of

whom four were transferred to us in the past three months. A further 22 suspects have been indicted and are still at large. If the present capacity of nine judges remained unchanged, the Tribunal will not be able to complete trials of the current detainees before the year 2007. The judges find this to be unacceptable, as some of the detainees have been awaiting the commencement of their trials for considerable periods of time. International standards require the accused to be tried without undue delay.

The difficulties are further compounded by the fact that the Prosecutor has informed me that she anticipates indicting up to 136 new accused by the year 2005. The Tribunal's capacity must be increased in order for us to try these cases in accordance with international fair trial standards.

It was for these reasons that, on 9 July 2001, I submitted a proposal to the Security Council for the creation of a pool of ad litem judges — a similar solution was found for the ICTY by the Security Council by virtue of resolution (1329) 2000. If the judicial capacity is increased with ad litem judges, and if the Prosecutor drastically revises her investigative programme, I believe that the ICTR can complete its work by 2007.

The request for ad litem judges made by the ICTR is currently under consideration by the Security Council. I hope that such a remedy will be provided for the ICTR, as it was for the ICTY when it faced a similar situation. The progress of trials since my request of 9 July 2001 enables me now to present an updated plan for the immediate use, once elected, of nine ad litem judges by two of the Trial Chambers, splitting into five sections. These five sections would be able to begin five new trials involving between 14 to 17 accused between April and June 2002.

We heard Judge Jorda, President of the ICTY, tell us that, since the granting of the increased judicial capacity by way of ad litem judges to the ICTY, they have been able to report a doubling of their capacity. This would also be the case for the ICTR. I therefor urge that the ICTR be given capacity and resources equal to those that have been and are being given to the other Tribunal.

Together with the judges of the ICTY, we have reflected on the lifespan of the Tribunals. We are concerned that the passage of time may affect the quality of the evidence and that long delays raise human rights concerns. We recognize that this is a political decision that can be taken only by the Security Council. The ICTR judges are of the opinion that the target date for completion of our mandate should be 2007 and we hope that we will get the support we need to make this possible. Meanwhile, like Judge Jorda, I would urge that other avenues of justice be pursued, such as the encouragement of trials at the national level in jurisdictions where suspects are located.

In conclusion, I wish to record the Tribunal's appreciation to States for their cooperation over arrests, transfers of indicted persons and travel of witnesses and in receiving acquitted and convicted persons. I particularly thank the Governments of Ireland for their contribution towards hosting the judges' seminar, the Republic of France for receiving and agreeing to monitor an acquitted person and the Republic of Mali for receiving convicted persons. I can inform the Assembly that five convicted persons, including Jean Kambanda, the former Prime Minister of the interim Government of Rwanda, will begin serving their sentences of imprisonment of 25 years to life in Mali from this month.

I am optimistic that many of the factors impeding our progress to date have been and are being addressed effectively. I wish to thank the Secretary-General for his continuing support in this regard. We need Members' further support. The ICTR and the ICTY are engaged in an historic endeavour and should both be supported — and equally supported. We have a long way to go in establishing the rule of international law to safeguard the principles of peace and justice, which are so fundamental. Despite the many setbacks and daily frustrations, we at the ICTR are making progress.

Mr. Maréchal (Belgium) (*spoke in French*): I am honoured to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey align themselves with this statement.

The International Criminal Tribunal for Rwanda, like that set up for the former Yugoslavia, continues to ensure that there is no escaping international criminal justice. In judgement after judgement, it hammers home the message that the most serious crimes against humanitarian international law, and in particular the

crime of genocide, will not go unpunished wherever they are committed. The 1994 atrocities in Rwanda constitute one of the darkest periods in the history of humanity. The key task of the Tribunal is the fight to see to it that they are not forgotten and that justice is done in such a way that will, we are convinced, help produce the national reconciliation that Rwanda vitally needs. The Union continues to give its fullest support to the Tribunal's efforts to that end.

The European Union thanks the President of the Tribunal for her very detailed annual report and briefing. The report rightly emphasizes the progress that has been made in the period under consideration.

As Members know, the Tribunal's beginnings were far from easy. It encountered numerous difficulties arising from a variety of internal and external causes. The Union has in the past expressed its concern at this situation, which, despite sizeable financial resources, has led to long delays in procedures. This undermines not only the right of those accused to a trial within a reasonable period, but also the legitimate desire of Rwanda and the international community to see justice done.

In the period under consideration, from July 2000 to June 2001, only one judgement was delivered at first instance, which is clearly insufficient. The Union is glad, however, to see that six other trials are under way, involving 15 persons in all. It would point out that, for the first time, all three courtrooms have been used simultaneously for proceedings. That is a sign of progress, which it is absolutely essential to maintain in the coming year.

The European Union also congratulates the judges for amending the rules of procedure and evidence, in response to the Expert Group's recommendations, in order to speed up procedures. It urges the Tribunal to continue its efforts constantly to improve its working methods in the light of experience acquired both at the trial stage and at the often crucial stage prior to proceedings.

Regarding the administration of the Tribunal, the Union has high hopes for the new Registrar and the new Chief of Administration. It has carefully noted the progress already achieved and hopes that concrete improvements will continue to be made during the coming year. It invites the Tribunal to follow the example of the Tribunal for the former Yugoslavia by set up a coordinating council and a management committee in order to improve its own management and the cohesiveness of its various elements.

The Union particularly welcomes the efforts under way to rationalize legal assistance for indigent accused. It is pleased to note that, following the recommendations in the enquiry report of the Office of Internal Oversight Services on the sharing of fees between defence counsels and indigent prisoners, measures have been taken to reduce the risk of abuse. The Union would like the Tribunal to continue to monitor this matter carefully.

We also support the efforts initiated by the Prosecutor to reorganize her Office. As indicated in the report, it is important to speed up investigations and above all to improve the quality of trial preparation in order to avoid problems that unduly delay the progress of proceedings.

The Union would also thank the Prosecutor for her planned investigation programme for the next few years. It appears to be a particularly ambitious programme. The Union is somewhat concerned to see that such a programme would increase the burden on the Tribunal to such an extent that it could not complete these trials before 2023, which, as the report quite rightly indicates, is unacceptable.

Therefore, the President has submitted a proposal for setting up a team of ad litem judges. It is up to the Security Council to decide on this proposal. Pending this decision, the Union wishes to stress the importance of making full use of the considerable resources already available to the Tribunal. Moreover, it would strongly emphasize that investigations must be primarily focused on those bearing most responsibility for the genocide, in particular its initiation and planning.

The cooperation of States with the International Criminal Tribunal for Rwanda has generally been excellent, particularly in Africa. The European Union would encourage all the countries concerned to continue along these lines.

The Union very much appreciates the fact that three countries have already concluded an agreement with the Tribunal on enforcement of sentences, and hopes that others will follow suit.

Finally, the European Union attaches great importance to the Tribunal's programme of information on its mandate and activities, intended in particular for

the Rwandan population. This is something which is absolutely vital if the objective of national reconciliation pursued by the Tribunal is to succeed.

The International Criminal Tribunal for Rwanda is showing encouraging signs of a resurgence of activity. It is our sincere hope that the various measures taken will give a considerable boost to its work and that this will be shown in the next annual report with figures to support it.

We thank all members of the Tribunal for so resolutely pursuing this objective. Their action to further the causes of justice, peace and national reconciliation is essential. Their pioneering work is paving the way for the establishment of the International Criminal Court in the very near future. They may rest assured of our wholehearted support.

Mr. Abdul Jabar (Malaysia): At the outset, my delegation wishes to express our appreciation to Judge Navanethem Pillay, President of the International Criminal Tribunal for Rwanda, for her presentation of the sixth annual report of the Tribunal, contained in document A/56/351. My delegation finds the comprehensive report to be extremely useful in understanding the nature and progress of the work of the Tribunal as well as the difficulties encountered by it.

Malaysia has always believed in the rule of law and in ensuring that justice is upheld to rid the world of impunity. We regard every member of the international community as having a role to play in ending flagrant violations of international humanitarian law and in contributing to the restoration and maintenance of peace where such violations occur. Those responsible for such violations must be brought to justice. The international community must send a clear signal to the perpetrators and victims that atrocities against mankind will not be tolerated.

The establishment of ad hoc international criminal tribunals by the United Nations to prosecute persons responsible for serious violations of international humanitarian law, such as the present International Criminal Tribunal for Rwanda, represents a major step in the development of international humanitarian law. The judgements by these Tribunals will contribute substantially to existing case law relating to atrocities, particularly genocide, and will further enshrine the principle of direct individual criminal responsibility under international law. In addition, the Tribunals contribute to the development of international justice by recognizing the imperative need for justice in international relations.

It is for these reasons that Malaysia has taken an interest in tribunals and courts of the same nature and contributed in whatever way it can to assist in their establishment. In this respect, we are proud that a distinguished Malaysian judge sat in the Appeals Chamber shared by the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. It is in support of such ad hoc tribunals that Malaysia has made a modest contribution of $50,000 toward the establishment of the Special Court for Sierra Leone.

My delegation is pleased to note that there is great improvement in the performance of the International Criminal Tribunal for Rwanda. We are pleased to note that as a result of the reforms it has undertaken, the Tribunal has accelerated its work and improved its procedures through amendments to the Rules of Procedure and Evidence. We are gratified that care was taken to ensure that such amendments would expedite trials without compromising fair trial procedure.

We also note that the Tribunal has initiated improvements to its internal organization, including its Court Management Section. In addition, the three Trial Chambers are now conducting trials on a twin- or multi-track basis. However, despite these improvements, it has been pointed out that the Tribunal will face great difficulty in handling its workload, which will increase drastically in the light of the Prosecutor's intention to prosecute 136 new suspects by 2005. This will involve 45 new trials.

My delegation believes that the creation of a pool of ad litem judges to serve in the Tribunal, as proposed by the President, would serve to enhance the judicial productivity of the Tribunal. This course of action would be necessary to address the anticipated increase in the workload of the Tribunal. The right of the accused to be tried without undue delay has to be preserved. As the adage goes, justice delayed is justice denied.

With regard to the Appeals Chamber, we commend the decision to streamline the procedure for the filing of written submissions and to regulate the size and format of the pleadings filed before the Appeals Chamber, which was intended to ensure that

the appeals process, especially as regards interlocutory appeals, would not impede ongoing trials. On the other hand, my delegation is concerned that the Appeals Chamber faces the problem of translations of its decisions and other documents — which have to be sent to Arusha for translation — as well as a number of staffing-related issues. We hope that these problems will be resolved as soon as possible if the Appeals Chamber is to dispose of matters before it expeditiously and cope with its increasing workload.

The Prosecutor of the International Criminal Tribunal for Rwanda, like the Prosecutor of the International Criminal Tribunal for the former Yugoslavia, does not possess any of the enforceable investigative powers normally available to national authorities in criminal investigations under national jurisdictions. Hence, the Prosecutor has to rely on the assistance, cooperation and goodwill of national authorities who will act on behalf of the Tribunal. Critics of the Tribunal who claim that investigations by the Prosecutor are conducted too slowly often overlook this fact. The nature of the crimes, the volume of evidence, the status of the accused and the type of trial are among the many issues that contribute to the complexity of investigations by the Prosecutor.

In this regard, my delegation appreciates the efforts by the Prosecutor to promote a close relationship between the Office of the Prosecutor and the authorities of Rwanda. We are pleased to note that through frequent interaction and a greater flow of information, the level of cooperation and coordination with State authorities, including States other than Rwanda, has been enhanced. We also welcome measures by the Prosecutor to reorganize the structure and control of investigations as well as improve the overall operations of the Investigations Division, as mentioned in the report. These measures will facilitate thoroughness in investigations and thereby contribute to the diligent prosecution of perpetrators in accordance with the highest international standards.

Although recruitment of staff for some sections of the Tribunal had been undertaken during the period under review, it is evident that certain core sections of the Tribunal are faced with the problem of staff shortage. The high attrition rate of the Tribunal further adds to this problem. My delegation wishes to stress that such basic needs of the Tribunal must be met in order for it to be able to carry out its tasks efficiently. Therefore, every effort should be undertaken to prevent this administrative impediment from hampering the progress of the important work of the Tribunal.

My delegation is encouraged by the efforts of the Tribunal to disseminate information concerning the mandate, organization and achievements of the Tribunal, both internationally and locally. The extensive use of all types of media, from print to electronic media, to generate interest and awareness of the work of the Tribunal is commendable. Initiatives under the Outreach Programme to Rwanda, such as its seminars, briefings, radio programmes on Radio Rwanda and the Tribunal's information centre in Kigali, are of particular importance to national reconciliation in Rwanda. The confidence of the people of Rwanda and its policy makers relevant to the Tribunal will generate the sense of certainty that justice has been done.

In conclusion, my delegation wishes to reiterate its strong support for the work of the Tribunal. We recognize that genuine reconciliation will take time, but at least in the meantime the International Criminal Tribunal of Rwanda will contribute to the process by enabling the perception of collective political responsibility for crimes to be replaced by a clear definition of individual criminal responsibility.

Mr. Mucyo (Rwanda) (*spoke in French*): Allow me at the outset to thank the President of the International Criminal Tribunal for Rwanda (ICTR) for her report. I also wish to thank the Prosecutor, as well as the Registrar, who are both present, for their work.

Following the terrible events experienced in Rwanda in 1994 — genocide and massacres — my country, with the support of the international community, has embarked on a path of national reconciliation and of bringing together all Rwandans to build and reconstruct our society on the basis of fraternity, solidarity and justice, respecting the fundamental rights of the individual.

In July 1994, the government of national unity had to face a very serious social, economic and political situation. In addition to the many victims of genocide and massacre, more than 2 million people had become refugees; thousands of others were displaced throughout the country, finding themselves homeless. Those tragic events destroyed the State structure and an already neglected judicial system. After July 1994, the joint efforts of all partners enabled the re-establishment of State administration, particularly the judicial system

and justice administration system. Considerable efforts have been made.

Several projects and activities are being carried out to promote and develop the rule of law and democracy. However, national reconciliation cannot be accomplished without justice. Justice will be what will enable the eradication of impunity, the re-establishment of social ties and the unity of all Rwandan people.

The trial of genocide suspects is vital, and that is why we commend the work of the ICTR. The mandate entrusted to the ICTR is a challenge. Through its action, the institution contributes to the emergence of the idea of international justice. The members of Governments of all countries know that in the future they will have to respond personally and criminally for acts they have covered up or encouraged, particularly the grave violation of international humanitarian law carried out on their territory or on the territory of neighbouring States.

Even if the number of judgements rendered today by the ICTR is still insufficient, the work accomplished by the Tribunal is encouraging. I wish to emphasize that the criticisms made with respect to this court must be considered as constructive assessments and not as the desire to denigrate the work of courageous people who are concerned with fulfilling the mission entrusted to them.

I take this opportunity offered to me to sincerely thank all the Member States of the United Nations that contribute to the operation of the ICTR, particularly the countries that have contributed to the arrest of genocide suspects, have facilitated the transfer of witnesses, or have contributed gifts to the Tribunal's trust funds. I also salute the States that have introduced in their legislation the possibility of pursuing crimes against humanity or war crimes, regardless of the country where they are committed.

Moreover, it is sad to note that certain Member States of the United Nations protect genocide suspects, including those sought by the Tribunal. Some of these suspects hold positions of authority within the institutions of these States. We urgently demand that the legal provisions of the ICTR related to this situation be respected. Thanks to the support of the international community, we hope that justice will be rendered, the accused will be tried and the victims will be compensated.

It will be very difficult to speak of justice and reconciliation without considering compensation for the victims. It is our duty and our obligation to push for the compensation of genocide survivors. We also strongly support the idea of seeing the victims and the genocide survivors to take a greater part in the cases before the ICTR, particularly the hope that the Tribunal will be able to have broad scope for victim compensation.

Today access to medicine for those detained for genocide at Arusha, accused, among other things, of having raped female victims, is guaranteed. As it is done for these people, favouring access to medicine for genocide victims is urgent.

Regarding the ICTR personnel, we encourage the idea of recruiting Rwandese for the institution, but at the same time, we call for greater vigilance in choosing recruits. The recent case of an employee who is under arrest and has been accused of having participated in the genocide, should provide lessons on matters relating to personnel recruitment for the ICTR. It is not just to hire a genocide suspect and pay him or her with money designated for justice.

We are aware that our obligation is to facilitate ICTR activities. However, we do not understand the persistent will to situate the Tribunal headquarters outside of Rwanda. Past reasons no longer seem pertinent.

The division of the ICTR court into three distant geographical centres: Arusha in Tanzania, the ICTR headquarters; Kigali in Rwanda, the site of the Office of the Prosecutor and of investigators; and The Hague in the Netherlands, site of the Office of the Prosecutor and seat of the Appeals Court. This separation gives rise to great costs and, above all, leads to the dilution of the effective authority of the various courts, not to mention the problem of witnesses — the transfer of witnesses — raised by the President, or the problem of protecting witnesses.

In addition to the achievements and efforts made at the international level, I would like to comment on the work that has been carried out inside the country. Domestically, our Government of National Unity has been faced with the problem of the high number of alleged *génocidaires* who are being held in jail, and also of the great number of orphans, widows and victims of mutilation in the genocide and the massacres. After the 1994 genocide, approximately

130,000 people accused of the crime of genocide or complicity in genocide were arrested. Still today, about 110,000 people are awaiting trial; 6,000 suspected *génocidaires* were already tried between December 1996 and June 2001.

In order to solve the problems involved in these numbers, we have embarked on a new experience by setting up the *gachacha* jurisdiction system, based on traditional Rwandan participative justice. Our unique experiment will undoubtedly contribute to international jurisprudence in cases of genocide or crimes against humanity. By implementing this process, we have already been able to set free several hundred accused persons. The *gachacha* system is inspired by our traditional conflict resolution system. Eyewitnesses to the genocide participate in the process. They relate the facts, uncover the truth and participate in the prosecution and sentencing of the persons accused.

The process of implementing this form of law started with the election of the judges in October 2001 in a climate of peace and democracy, which is very encouraging for the future of the process. Before the end of this year, various awareness campaigns will be carried out having to do with professional ethics, group management and communication techniques, and then the judges will be trained in order to help them carry out their onerous tasks.

At the same time, the Rwandan Government has decided to introduce community service into its legislative mechanism as an alternative to imprisonment. This reform would carry with it the double advantage of reducing the jail population in our country and facilitating the reintegration of released persons into society. In this very difficult context, we have concomitantly taken various measures to build cases, to hold the trials of those accused of crimes of genocide and crimes against humanity and to re-establish the normal functioning of ordinary justice. Our Government of National Unity has begun recruitment activities for magistrates and training courses for all judicial personnel.

The Rwandan administration cannot face the post-genocide situation alone. It seems important to help it to strengthen its management capacity and to develop new programmes in support of the judiciary. My country ardently hopes that the support it has received in the past and the alliances woven can be strengthened with time.

I ask the Assembly to help us to continue this judicial work. Please remember, beyond the divisions that were once unknown to us, in Rwanda a people was murdered, mothers were raped and children were slaughtered. In order that a people will never again be massacred in silence, help us pursue our work of justice.

I would like to conclude by welcoming the achievements of the International Criminal Tribunal for Rwanda, but its capacities must be reinforced, just as we have done in the case of the International Criminal Tribunal for the Former Yugoslavia.

Mr. Kolby (Norway): First of all, I would like to thank Judge Pillay for her report. Over the last year, Norway has noted with satisfaction the significant improvement in the performance of the Tribunal. The pace and volume of judicial work has increased substantially over the past several months. The measures implemented by the Tribunal to better streamline the conduct of business so that capacity is utilized to the fullest degree have yielded tangible results. It is our clear impression that capacity utilization of existing Chambers, prosecutorial and other functions, as well as of the Tribunal infrastructure at large, including courtrooms, has been significantly enhanced. We are gratified by the progress made.

We thank the President of the Tribunal for the detailed annual report that, in our view, rightly reflects the progress made during the period under review. So far the Trial Chambers have handed down judgments against nine individuals, with eight convictions and one acquittal. These verdicts represent important contributions to international jurisprudence with regard to the prosecution of the most serious international crimes. Furthermore, a number of decisions have settled procedural issues of principle relevant to the daily conduct of trials, which is expected to lead to a more efficient trial process in the future. The experience obtained by the International Criminal Tribunal for Rwanda (ICTR) is also a stepping stone towards the forthcoming establishment of the International Criminal Court.

Norway acknowledges the resource-consuming nature of trying the most serious international crimes. The number of witnesses, the demanding nature and complexity of cases and the frequency of the various kinds of appeals on issues of law contribute to

explaining why the turnover of cases is not comparable to the administration of justice in our national systems with regard to ordinary crimes.

The success of the Tribunal will, to a large degree, be judged by the manner in which the investigation, prosecution and proceedings are managed. It is therefore imperative that the Tribunal carry out these tasks efficiently so that detainees will not be subject to undue delays in the completion of their trials. Norway is committed to a timely fulfilment of the mandate entrusted to the ICTR.

Another important aspect related to the Tribunal's reputation and contribution to national reconciliation is the people of Rwanda's understanding of and confidence in the work of the Tribunal. In this respect, the proactive profile of the Outreach Programme is an essential complement to the main public information activities of the Tribunal. Norway welcomes the continuous development of and improvements in the Outreach Programme and encourages all States to actively support the continued work of bringing the judicial process and its results closer to the civilian population of Rwanda so as to actively promote increased insight, which may be an important contribution to long-term peace and reconciliation in the area.

We have previously expressed concern about the administrative difficulties with which the Tribunal has been confronted, and we have followed efforts to improve the working conditions in Arusha and Kigali with great attention. The judges of the ICTR have progressively improved their trial procedures to speed up cases. We are confident that this streamlining of internal court management procedures has in no way jeopardized the rights of the parties to a fair trial. However, in our view, no added efficiency of any significance can be achieved only through our continued focus on administrative improvements. We are therefore actively studying the recently submitted proposal to the Security Council from the President of the ICTR, which is referred to in the report before the Assembly, to create a pool of ad litem judges to assist the Tribunal in carrying out the remaining workload.

Norway appeals to States that have not yet done so to take all the legislative steps necessary to ensure effective State cooperation with it. We note that the Tribunal has received valuable assistance from several States, enabling the arrest of several indictees. In addition to legislation and compliance with the Tribunal's requests for assistance, concrete support to the Tribunal should be shown through financial and material contributions. Sufficient resources are necessary in order to enable the Tribunal to carry forth with investigations and prosecution in a proper and expedient manner and to increase its activities. The Tribunal deserves political, practical and financial support. Normative structures alone are not sufficient.

The Acting President (*spoke in Spanish*): The General Assembly has thus concluded this stage of its consideration of agenda item 51.

Agenda item 45

Question of the Falkland Islands (Malvinas)

The Acting President (*spoke in Spanish*): I should like to inform representatives that, following consultations regarding agenda item 45 on the question of the Falkland Islands (Malvinas), and taking into account General Assembly resolution 55/411 of 20 November 2000, it is proposed that the General Assembly decide to postpone consideration of this item and to include it in the provisional agenda of its fifty-seventh session.

May I take it therefore that the Assembly, taking into account decision 55/411, wishes to defer consideration of this item and to include it in the provisional agenda of the fifty-seventh session?

It was so decided.

The Acting President (*spoke in Spanish*): The General Assembly has thus concluded its consideration of agenda item 45.

Agenda item 17

Appointments to fill vacancies in subsidiary organs and other appointments

(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions

Report of the Fifth Committee (A/56/625)

The Acting President (*spoke in Spanish*): The Fifth Committee recommends in paragraph 6 of its report, document A/56/625, that the General Assembly

appoint the following persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2002: Mr. Michiel Crom (Netherlands); Ms. Nazareth Incera (Costa Rica); Mr. Rajat Saha (India); Ms. Sun Minqin (China); Mr. Juichi Takahara (Japan); and Mr. Nicholas Thorne (United Kingdom of Great Britain and Northern Ireland).

May I take it that the Assembly appoints these persons?

It was so decided.

(b) Appointment of members of the Committee on Contributions

Report of the Fifth Committee (A/56/626)

The Acting President (*spoke in Spanish*): In paragraph 5 of the report, document A/86/626, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2002: Mr. Henry Siegfried Fox (Australia); Mr. Bernardo Greiver (Uruguay); Mr. Hassan Mohammed Hassan (Nigeria); Mr. Eduardo Iglesias (Argentina); Mr. Omar Kadiri (Morocco); and Mr. Eduardo Manuel da Fonseca Fernandes Ramos (Portugal).

May I take it that it is the wish of the Assembly to appoint these persons?

It was so decided.

(c) Appointment of a member of the Board of Auditors

Report of the Fifth Committee (A/56/627)

The Acting President (*spoke in Spanish*): In paragraph 5 of its report, document A/56/627, the Fifth Committee recommends that the General Assembly appoint the Chairman of the Commission of Audit of the Philippines as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2002.

May I take it that the Assembly wishes to appoint the Chairman of the Commission of Audit of the Philippines?

It was so decided.

(d) Confirmation of the appointment of members of the Investments Committee

Report of the Fifth Committee (A/56/628)

The Acting President (*spoke in Spanish*): The Fifth Committee recommends in paragraph 5 of its report, document A/55/628, that the General Assembly confirm the appointment by the Secretary-General of the following persons as members of the Investments Committee for a three-year term of office beginning on 1 January 2002: Mr. Emmanuel Noi Omaboe (Ghana); Mr. Yves Oltramare (Switzerland); Mr. Jürgen Reimnitz (Germany).

May I take it that it is the wish of the Assembly to confirm the appointment of these persons?

It was so decided.

(f) Appointment of members of the International Civil Service Commission

Report of the Fifth Committee (A/56/629)

The President (*spoke in Spanish*): In paragraph 5 of its report, document A/56/629, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the International Civil Service Commission for a four-year term of office beginning 1 January 2002: Mr. Minoru Endo (Japan), Mr. João Augusto de Medicis (Brazil), Mr. Mario Bettati (France), Ms. Lucretia F. Myers (United States of America) and Mr. Alexis Stephanou (Greece).

May I take it that the General Assembly appoints those persons?

It was so decided.

The President (*spoke in Spanish*): The General Assembly has thus concluded this stage of its consideration of agenda item 17.

The meeting rose at 1.05 p.m.

United Nations A/56/PV.63

General Assembly

Fifty-sixth session

Official Records

63rd plenary meeting
Monday, 26 Novembe 2001, 3 p.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

The meeting was called to order at 3.10 p.m.

In the absence of the President, Mr. Rosenthal (Guatemala), Vice-President, took the Chair.

Agenda item 20

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Report of the Secretary-General (A/56/384 and Corr.1)

(a) Strengthening of the coordination of emergency humanitarian assistance of the United Nations

Reports of the Secretary-General (A/56/95, A/56/307)

Note by the Secretary-General (A/55/649)

Draft resolution (A/56/L.14)

(b) Special economic assistance to individual countries or regions

Reports of the Secretary-General (A/56/158, A/56/264, A/56/269, A/56/338, A/56/361, A/56/389, A/55/412, A/56/470 and A/56/632)

Draft resolutions (A/56/L.15, L.16)

(c) Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster

Report of the Secretary-General (A/56/447)

(d) Participation of volunteers, "White Helmets", in the activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development

Report of the Secretary-General (A/56/308)

(e) Assistance to the Palestinian people

Report of the Secretary-General (A/56/123 and Corr.1)

The Acting President (*spoke in Spanish*): I now invite the representative of Greece to introduce draft resolution A/56/L.14.

Mr. Gounaris (Greece): It is an honour for me to take the floor in order to introduce to the Plenary Assembly, a humanitarian draft resolution on "Emergency response to disasters", tabled jointly by the Permanent Missions of Greece and Turkey, under agenda item 20 (a).

Two years ago, I had the honour to present with my Turkish colleague, a resolution on the subject, resolution 54/30, adopted by consensus on 22

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

01-65745 (E)

November 1999, during the fifty-fourth session of the General Assembly.

This time, as already announced by the Minister for Foreign Affairs of Greece, Mr. George A. Papandreou, during the general debate, the draft resolution before you reflects the steps already taken by the two countries to cooperate against natural disasters, namely, earthquakes, landslides or floods.

As a follow-up to our initial decision, the formation of a Joint Hellenic-Turkish Standby Disaster Response Unit is now a reality.

Let me remind you that the idea for the Joint Standby Disaster Response Unit came from the suffering of the victims of the devastating earthquakes that consecutively hit Turkey and Greece in 1999. The Governments of the two countries, motivated by the mutual assistance offered voluntarily by their people, decided to promote a bilateral arrangement that could not only enhance cooperation between Greece and Turkey to deal with natural disasters but also serve to supplement existing structures of the United Nations system.

In the time that has elapsed since the adoption of the first resolution, Greece and Turkey, in close collaboration with the Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva, participated in a series of meetings aiming at defining the operational modalities for the Unit. A common understanding was reached concerning its scope and structure. Focal points were immediately established in Athens and Ankara.

Following consultations, a protocol on the formation of the Joint Hellenic-Turkish Standby Disaster Response Unit was signed by the Minister for Foreign Affairs of Greece and the Minister for Foreign Affairs of Turkey.

Allow me to give some more details on the operational aspects of the Unit, while the Permanent Representative of Turkey, Mr. Pamir, will later elaborate on the framework of cooperation of the Unit with OCHA.

According to the terms of reference of the protocol, the Unit has the following areas of operation: urban search and rescue, rescue and relief operations, emergency medical care and technical expertise in disaster management.

This Unit is ready to offer its services, regionally and internationally, under the auspices of the Secretary-General, primarily in the Mediterranean region or in any other part of the world, if needed. Greece would like to reiterate its decision to fully share with Turkey the operational costs of the Unit.

The common steps taken by the two countries to address the devastation of natural disasters have been fully supported and enriched with the experience of the United Nations Secretariat.

In this context, I would like to thank the Under-Secretary-General, Mr. Kenzo Oshima, as well as the Office for the Coordination of Humanitarian Affairs of the Secretariat, for their full support for this joint initiative.

Greece fully aligns itself with the statement of the European Union presidency, to be delivered presently by Ambassador Jean de Ruyt, Permanent Representative of Belgium, under this agenda item.

Natural disasters, as underlined in the relevant report of the Secretary-General, affect many parts of the world. Rapid urbanization, environmental degradation, climate change and the depletion of natural resources are among the factors contributing to the increased vulnerability of communities all over the world to natural disasters.

This initiative has been widely welcomed as fully complying with and promoting the purposes and principles of the Charter of the United Nations. To date, an overwhelming number of Member States have sponsored the draft resolution contained in document A/56/L.14.

On behalf of my Government, I would like to express our deepest appreciation for the Assembly's support.

I hope that this draft resolution, which aims to send a message of support by Greece and Turkey for the efforts of the United Nations towards natural disaster reduction, will be adopted by consensus.

The Acting President (*spoke in Spanish*): I give the floor to the representative of Turkey, also to introduce draft resolution A/56/L.14.

Mr. Pamir (Turkey): I am taking the floor today to introduce, together with my Greek colleague, a joint draft resolution entitled "Emergency response to disasters", submitted by Turkey and Greece under

agenda item 20(a), as contained in document A/56/L.14.

As eloquently explained by Ambassador Gounaris, the idea of forming the joint Hellenic-Turkish standby disaster response unit, referred to in this draft resolution, emerged in the aftermath of the devastating earthquakes that hit Turkey and Greece in 1999. The catalyst for the idea was not the earthquakes per se, but rather the exemplary show of solidarity, support and understanding for each other's grief that was manifested spontaneously by the Turkish and Greek peoples.

Natural disasters do not recognize national borders, religions or nationalities. Furthermore, because of the frequency, magnitude and effects of such disasters, the rescue and relief capabilities of any given nation are not generally sufficient to deal with them.

In the light of their experiences with the earthquakes of 1999, Turkey and Greece recognized the merit of pooling their capabilities for future possible contingencies. While doing so, however, they also wanted to make their capabilities available to others, on a larger scale. That is the thrust of the draft resolution that my Greek colleague and I have the pleasure of introducing to the Assembly.

The Assembly will recall that initially, the General Assembly adopted resolution 54/30 on 22 November 1999, which Turkey and Greece had again jointly submitted as a precursor to the present draft. In the two years that have elapsed since the adoption of that resolution, Turkey and Greece, in close cooperation with the United Nations, through the Office for the Coordination of Humanitarian Affairs (OCHA), have completed the necessary preparations for the establishment of the unit. The Foreign Ministers of the two countries have recently signed the relevant protocol.

I will not dwell upon various aspects of that protocol, as my Greek colleague has already done so in a most efficient manner. I would, however, like to briefly outline the envisaged framework for cooperation with the United Nations.

The joint Hellenic-Turkish Standby Disaster Response Unit, in conformity with the International Strategy for Disaster Reduction, aims at reinforcing and expanding the United Nations system's existing arrangements. It is fully aligned with United Nations efforts to mitigate the impact of natural disasters.

The unit, comprising an equal number of members from Turkey and Greece, will use assets provided by the two countries and will have no financial implications for the programme budget of the United Nations. Operational costs will be fully absorbed by the national budgets of the two countries.

While the unit is established on a bilateral basis, OCHA has been made an integral part of its activities. As such, OCHA will attend, on an ad hoc basis, the meetings of the Coordinating Committee of the Unit; provide input to the training activities of the members of the two teams; cooperate in the planning and conduct of field exercises twice a year; ensure interoperability between the working procedures of the teams; ensure response preparedness through links between the unit and the scientific community; and evaluate lessons learned from the Unit's operations.

The geographical area of its operations is defined by, but not limited to, the peri-Mediterranean area and the general vicinity of the parties.

The joint Hellenic-Turkish Disaster Response Unit is the fruit of a cooperative engagement between Turkey and Greece, in full collaboration with the United Nations through OCHA. The first seeds of this endeavour were reflected in resolution 54/30 of November 1999. This new draft resolution is a follow-up to the previous one and reflects the developments that have taken place since then.

I join my Greek colleague in expressing our desire to have the Assembly's support for the draft resolution. I should also like to thank the United Nations, and in particular OCHA, for its invaluable support in the formation of the unit. I am confident that, with the dedication and determination that Turkey and Greece have shown in this respect, and the continued support of OCHA, the joint Hellenic-Turkish Standby Disaster Response Unit will be a success and come to serve as an example for such endeavours in future.

The Acting President (*spoke in Spanish*): I give the floor to the representative of Tajikistan to introduce draft resolution A/56/L.15.

Mrs. Lapshina (Tajikistan): I have the honour to introduce, on behalf of its sponsors, the draft resolution entitled "Emergency international assistance for peace,

normalcy and rehabilitation in Tajikistan", contained in document A/56/L.15.

Since the publication of the draft resolution, the following countries have become sponsors: Armenia, Austria, Azerbaijan, Belgium, Canada, China, Croatia, Finland, France, Georgia, Germany, the Islamic Republic of Iran, Italy, Japan, Kazakhstan, Kyrgyzstan, Luxembourg, Malta, Morocco, Netherlands, Norway, Slovenia, Spain, Sweden, the United Kingdom, the United States and Uzbekistan.

The draft resolution was discussed at the informal consultations chaired by Mr. Hubert Wurth, Permanent Representative of Luxembourg to the United Nations. Valuable proposals were made for the improvement of the text, and agreement was reached on all paragraphs.

In particular, my delegation is grateful for the contributions made by the delegations of the European Union and the Russian Federation, and we would like to extend our sincere appreciation to the other sponsors and other delegations for the good spirit of cooperation and partnership which prevailed during the consultations.

By the draft resolution, the General Assembly would recognize that the United Nations has played a successful and important role in the peace process in Tajikistan and would call on it to continue its assistance to Tajikistan in post-conflict peace-building.

It would also express appreciation to the States, the United Nations, the European Union, the World Bank and other intergovernmental organizations and all relevant humanitarian organizations, agencies and non-governmental organizations, including the International Federation of Red Cross and Red Crescent Societies, that have responded, and continue to respond, positively to the humanitarian needs of Tajikistan.

The draft resolution notes with regret that the humanitarian situation has not improved, owing to severe economic deterioration and the prevailing drought, and that significant humanitarian needs continue to exist throughout Tajikistan.

The General Assembly would welcome the intention of the Secretary-General to continue the United Nations humanitarian programme in Tajikistan by issuing a consolidated inter-agency appeal for humanitarian assistance to Tajikistan for 2002, taking into account current developments in the region, and would urge Member States to fully fund programmes included in the appeal. Furthermore, the General Assembly would call on the Secretary-General to continue re-evaluating all United Nations humanitarian assistance activities in Tajikistan with a view to preparing a common humanitarian strategy that would support the relief and recovery operations during the transitional period from relief to development, with a major focus on promoting self-reliance and sustainable development.

Finally, the draft resolution suggests that at its fifty-seventh session the General Assembly consider the question of the situation in Tajikistan under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

My delegation and the other sponsors hope that the draft resolution contained in document A/56/L.15 will be adopted by consensus.

The Acting President (*spoke in Spanish*): I call on the representative of the Bahamas to introduce draft resolution A/56/L.16.

Mr. Rolle (Bahamas): I have the honour to introduce, on behalf of the Caribbean Community, the draft resolution entitled "Emergency assistance to Belize", contained in A/56/L.16. I should like to announce that, since the issuance of the draft resolution, the following countries have become sponsors: Argentina, Austria, Bangladesh, Belgium, Brazil, Croatia, Cuba, Ecuador, Finland, France, Germany, Guyana, Japan, Luxembourg, Malta, the Netherlands, Norway, Paraguay, Qatar, South Africa, Spain, the Syrian Arab Republic and the United Kingdom.

The draft resolution highlights the devastation and extensive damage caused by hurricane Iris on 8 October 2001. It also highlights the human suffering caused by the displacement of thousands of people, the negative ecological impact on the coastal region and the enormous efforts required to alleviate the devastation caused by that natural disaster.

It urges Member States, as a matter of urgency, to contribute generously to the relief, rehabilitation and reconstruction efforts of Belize. It also requests the Secretary-General, in collaboration with the international financial institutions and agencies and bodies of the United Nations, to assist the Government

of Belize in identifying medium-term and long-term needs and in mobilizing resources, and appreciates the assistance provided by the international community, international agencies, inter-governmental organizations and non-governmental organizations that are currently providing emergency relief to Belize.

I request that draft resolution A/56/L.16 be adopted by consensus.

The Acting President (*spoke in Spanish*): Before proceeding, I should like to inform members that, in a letter dated 22 October 2001 addressed to the President of the General Assembly, the Permanent Representative of Ireland to the United Nations, in his capacity as Chairman of the Group of Western European and other States for the month of October, requests that the General Assembly hear, in plenary meeting, a statement by the observer of Switzerland in the debate on agenda item 20.

In view of the importance attached to the issue under discussion, it is proposed that the General Assembly take a decision on that request.

May I take it that there is no objection to the proposal to hear a statement by the observer of Switzerland in the debate on item 20?

It was so decided.

Mr. De Loecker (Belgium) (*spoke in French*): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the other associated countries, Cyprus, Malta and Turkey, as well as the European Free Trade Area country member of the European Economic Area, Iceland, align themselves with this statement.

It was as a result of an initiative by the European Union that, exactly 10 years ago, the item entitled "Strengthening of the coordination of humanitarian emergency assistance of the United Nations" was placed on the agenda of the General Assembly. Events in recent weeks have once again demonstrated the importance and necessity of the effective coordination of humanitarian operations carried out by the international community. The European Union has always supported United Nations efforts to improve the coordination of aid and assistance.

Afghanistan, which has suffered an unprecedented drought and has also been torn apart by conflict for over 20 years, has for some time been greatly dependent on aid from the international community. Events in recent months have only worsened what was already a disastrous situation. The European Union is pleased that the humanitarian aspects have received as much attention from the international community as the political, diplomatic, military and economic aspects.

On a more general note, the European Union has often argued, in particular in the context of implementing the recommendations of the Brahimi report, for a more integrated approach when setting up peacekeeping or peacemaking operations, in synergy with humanitarian activities, without encroaching upon the necessary independence of the latter or the integrity of the humanitarian area. The Union hopes that this global approach, now adopted for the first time, will also be taken during future crises. The European Union is convinced that this makes it possible not only to help those in need more effectively, but also better to prepare the post-crisis phase.

The Union commends the excellent work undertaken by Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and his entire team at the Office for the Coordination of Humanitarian Affairs. The manner of their response — serious, prompt and determined — is proof of the huge progress made to strengthen coordination within the United Nations system. The European Union encourages Mr. Oshima to continue his mission in this fashion and calls on the Member States and agencies of the United Nations to lend him their full support.

The European Union emphasizes the importance of a holistic approach to all crises. It is convinced of the absolute necessity of taking into particular account the following factors: the situation of women, children, the elderly and the handicapped; respect for human rights; the distribution of food; health care; accommodation; mine-clearing operations; and reconstruction. If we are to succeed, the coordination of all agencies, funds, programmes and organizations involved in such efforts is now more essential than ever.

The donor alert issued during the Afghan crisis has the virtue of having mobilized the international

community in a very short space of time by submitting concrete proposals. The European Union has responded by contributing over €320 million.

On the tenth anniversary of the adoption of resolution 46/182 by the General Assembly on 19 December 1991, we would reaffirm its vital importance as a fundamental step in the international community's efforts to enhance the effectiveness of humanitarian operations in response to natural disasters and complex crises alike. The various instruments created then have lost none of their relevance. This was, moreover, pointed out by all delegations during the humanitarian segment of the Economic and Social Council in July.

In view of its vital role as a coordinating instrument of the United Nations, we would encourage all humanitarian organizations to take an active part in the process of consolidated inter-agency appeals. In many cases, these have become genuinely strategic documents endorsed by the entire humanitarian community. In this respect, we welcome the various improvements made since the process was launched almost 10 years ago. These include, for instance, updates to various consolidated appeals, prioritizing, flexibility in appeals launched at the regional level and the mainstreaming of such cross-cutting concerns as gender and human rights when defining appeals. Nevertheless, further clarification of the objectives of consolidated appeals in terms of funding and strategic coordination and planning would be desirable. In this regard, the Secretary-General's report mentions an innovative approach in the Democratic Republic of the Congo, combining the consolidated appeals process, the country strategy paper and the United Nations Development Assistance Framework in a single document. The Union supports initiatives of that kind.

The European Union, through its member States and the European Commission Humanitarian Aid Office, is by far the largest contributor to humanitarian aid. In 2000, it contributed 47.6 per cent of total public-sector humanitarian aid, that is, slightly over €1.5 billion.

Of course, the European Union intends to continue and even to enhance its contribution to the United Nations work, as borne out by the communication adopted by the European Commission on 2 May, entitled "Building an effective partnership with the United Nations in the fields of development and humanitarian affairs". Furthermore, the Development Council adopted several decisions to that effect on 31 May 2001, especially emphasizing that the choice of United Nations partners and the extent of cooperation with them should be linked to their comparative advantage emanating from universally recognized mandates, their operational performance and, ultimately, their overall ability to address efficiently and effectively the needs of affected populations in accordance with international humanitarian law. The Council also recognized the importance of more predictable and sustained funding for the United Nations agencies, with more flexible modalities, and insisted on the need for a more systematic political dialogue between the European Union and the United Nations.

The European Union acknowledges the important role played by the Inter-Agency Standing Committee and is pleased with the way it is working. It would, nevertheless, like to be better informed of progress made within the Committee, which could occur during regular briefings for the Member States.

The European Union would like to thank the Secretary-General for his report in document A/55/649 on enhancing the functioning and utilization of the Central Emergency Revolving Fund. Given the importance of that instrument for the United Nations role as coordinator, the Union realizes that it is in need of reform in order to optimize its utilization. To that end, the Union is willing to cooperate with other delegations in order to study the Secretary-General's proposals.

The European Union recalls that the humanitarian segment of the Economic and Social Council is an essential part of the mandate delegated to the Council. In that regard, the Union is delighted at the excellent debate conducted at Geneva in July of this year and would like to emphasize the quality of the presidency's summary adopted at the end of July's humanitarian debate. The document translates the broad consensus concerning the importance of greater coordination of efforts to enhance the effectiveness of humanitarian operations in response to natural disasters and complex crises. Resolution 46/182 is, moreover, the benchmark for coordination.

The prevention of natural disasters and the responses to them are an important issue for the European Union. We thus welcome the establishment by the Office for the Coordination of Humanitarian

Affairs of United Nations regional disaster evaluation and coordination teams for Latin America, Asia and the Pacific. We support the plan to create two other teams for Latin America and the Caribbean and for southern Africa. Given that it is vital for relief workers to be operational in a very short space of time, we would like to stress the importance of prevention, prior planning and early warning systems, and of the development of an adequate response capacity at both the local and the regional levels. In this regard, the European Union welcomes the draft resolutions submitted earlier by the Governments of Greece and Turkey to establish in the near future a joint Hellenic-Turkish standby disaster response unit.

As regards prevention, technical and technological progress is increasingly making it possible, among other things, to detect areas at risk and to assess potential damage. Technology is also contributing, following disasters, to better coordination of humanitarian operations, particularly in communications. The European Union is convinced that it is essential to be able to make rapid use of telecommunications in order to reduce the loss of human life, suffering and damage caused by disasters. In this respect, the Union would urge the States Members of the United Nations to sign and ratify the Tampere Convention.

This year, the fiftieth anniversary of the Convention relating to the Status of Refugees, we would once again like to take the opportunity to encourage the countries that have not yet done so to ratify the Convention and the 1967 Protocol. We would also like to insist that prevention and coordination apply to all humanitarian situations, including those that generate refugees.

Conflict situations have worsened throughout the world in recent years to a worrisome extent. Ninety per cent of the victims are now civilians — especially women and children, who are sometimes deliberately targeted. The number of persons displaced within their own countries is increasing dramatically and now, at an estimated 25 million, is almost twice the figure for refugees. However, while refugees are granted special status and international care, the chief responsibility for protecting and safeguarding the rights of internally displaced persons lies with the State concerned.

The extent and diversity of the humanitarian needs of these populations require coordinated action. Therefore, we welcome the establishment of a small unit within the Office for the Coordination of Humanitarian Affairs to enhance the efficiency and coordination of responses to the needs of displaced persons. In this connection, it is important for the unit to centralize an integrated response on the part of the system to internal displacement crises, and particularly to be able to carry out consistent work in evaluating such crises, to identify shortcomings and to put forward measures to best fill existing gaps. Support for operations on the ground must also be an important aspect of its work, as will be the development of suitable institutional mechanisms.

The unit must maintain close liaison with the Secretary-General's Representative for Internally Displaced Persons, Mr. Francis Deng, and in particular assist him in promoting the Guiding Principles on Internal Displacement. In this connection, the European Union reaffirms its support for these Principles, which are a benchmark for matters relating to displaced persons, and calls for their universal application. The Union also welcomes their application in Colombia, Angola and, in the near future, Georgia.

One of the main difficulties for humanitarian action is staff safety. Therefore, the European Union repeats its appeal to all parties concerned to fulfil their obligations unconditionally so that aid may be supplied in accordance with international humanitarian law. The Union will spare no effort at the political and diplomatic levels to ensure both that these principles are respected and that humanitarian workers are protected. Here, we would like to pay homage to the men and women who carry out their work in increasingly dangerous conditions, sometimes even at risk to their own lives. Events such as those in Georgia this October are purely and simply unacceptable, and such abominable acts must not go unpunished.

Moreover, it is essential that the perpetrators be given sentences commensurate with the seriousness of the offences committed. Therefore, we are pleased that the Rome Statute of the International Criminal Court makes it a war crime to direct attacks intentionally against personnel, installations, equipment, units or vehicles deployed in a humanitarian assistance operation or peacekeeping operation in accordance with the United Nations Charter, provided they are entitled to the protection that international law on armed conflicts guarantees civilians and civilian property. Therefore, we urge States to ratify or accede

to the Rome Statute at the earliest opportunity. We also encourage States to sign or ratify the Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict.

Last year, the General Assembly decided that, at its fifty-sixth session, the Sixth Committee would examine the Secretary-General's report on the scope of legal protection under the 1994 Convention on the Safety of United Nations and Associated Personnel. The European Union, which has played a constructive part in discussions and negotiations, backs the proposal for the creation of an ad hoc group to address the question, which will meet in the first half of 2002. The Union favours drawing up a protocol to the 1994 Convention on the Safety of United Nations and Associated Personnel in order to extend it to all agents deployed in humanitarian operations under the auspices of the United Nations.

Having always attached great importance to this issue — in particular through the resolution it introduces each year under this item on its agenda, entitled "Safety and security of humanitarian personnel and protection of United Nations personnel" — the European Union reaffirms that measures to protect security, which play an essential part in the United Nations, must be developed under the regular budget so as to ensure adequate and predictable funding. The joint award of the Nobel Peace Prize to the United Nations and its Secretary-General, Kofi Annan, reminds us once more of the crucial role played by the Organization in matters of peace, and should induce us to take action to enable its staff to carry out its noble task under the best conditions.

Moreover, we insist on the importance of sharing the costs of the whole United Nations system fairly, as recommended by the Advisory Committee on Administrative and Budgetary Questions in December 2000 in its report entitled "Safety and security of United Nations personnel". The Union thus supports the Secretary-General's recommendation that key provisions of the Convention, such as the obligation to prevent acts of aggression against members of peacekeeping operations, the obligation to consider acts of aggression committed against the members of such an operation as constituting crimes punishable by law, and the obligation to prosecute or extradite the perpetrators of such offences, be incorporated into the status-of-forces or status-of-missions agreements.

The European Union is pleased that in his report entitled "Safety and security of humanitarian personnel and protection of United Nations personnel", the Secretary-General insists on the importance of improving and strengthening inter-institutional collaboration by harmonizing the management of security of various players in the humanitarian community. The Union is pleased that the "culture of security awareness", the fruit of efforts by the Secretary-General himself, is beginning to have a tangible impact on staff security.

Allow me to conclude by once again paying tribute to the entire staff of the Office for the Coordination of Humanitarian Affairs, as well as all those who, on a day-to-day basis, accomplish such vital humanitarian tasks in the field. They fully deserve the support of all Member States, either through contributions or through measures to ensure their security and decent working conditions so that the United Nations banner can cease to be a target and instead become a guarantee of protection.

Mr. Kolby (Norway): Let me begin by thanking the Secretary-General for a very comprehensive and illuminating report on strengthening the coordination of emergency humanitarian assistance of the United Nations, contained in document A/56/95-E/2001/85. The United Nations must continue to pay close attention to how it exercises its coordination functions so as to make the most of the available resources. Though progress has been made, there is still room for improvement.

Following this general observation, I would like to make a few remarks on some points in the report in which my delegation takes a particular interest: the consolidated inter-agency appeals, the gap issue, internally displaced persons, and the safety and security of humanitarian personnel.

Norway continues to be a staunch supporter of the consolidated appeals process as a means of improving coordination of international humanitarian assistance, raising awareness and planning strategically. While welcoming the progress made so far towards appeals that are really consolidated, we realize that there are still considerable challenges to be met. The consolidated appeals for 2002 were launched earlier today, and it seems timely to bring up some of these challenges now.

First, it has turned out to be difficult to fulfil the requirements stipulated in the appeals. The report refers to a steady downward trend in the proportion of requirements met. This is a paradox, in that the more work that is put into improving the consolidated appeals process, the smaller the amount of funds they manage to mobilize. It goes without saying that a certain impact of underfunding will be to undermine the ability of the consolidated appeals process to serve as a strategic planning instrument with predictable donor response. In the same vein, the continued tendency of donors to favour bilateral assistance, especially when this comes at the expense of multilateral funding, reduces the coordination possibilities of the consolidated appeals process.

Of course, there are clear limits to how much the consolidated appeals process can improve in these circumstances. My delegation, for one, is pleased that the United Nations has identified the challenges and is seeking to find remedies. In this respect, efforts to achieve the full commitment at the field level by strengthening the resident humanitarian coordinator system are to be commended.

It is crucial for the United Nations to work even more closely with non-governmental organizations and other non-United Nations organizations, such as the Red Cross. In this respect, we support the Secretary-General's emphasis on strengthening and enhancing local capabilities as an ultimate goal. We share his view that, whenever possible, international efforts to prepare for and deal with humanitarian emergencies must increasingly be seen as complementary to those of local actors.

The strengthening of local organizations and networks is also important when it comes to the so-called gap issue. Over the years, we have seen too many examples of how protracted crises, once they are no longer in the media spotlight, have been paid too little attention by the international community until they flare up again. If we are to succeed in making lasting progress and solving the problems that have caused a crisis in the first place, more attention needs to be given to the period between the receipt of humanitarian assistance and the arrival of more long-term aid.

The Secretary-General's report calls for the more timely participation of development actors and improved donor funding throughout this transition period. For the first time, Norway will have a specific budgetary allocation next year for such gap projects. Countries emerging from a conflict situation will be likely candidates for funds from this allocation. In our view, this is one way of placing humanitarian assistance in broader development and peace-building frameworks.

During the past decade we have witnessed a considerable increase in the occurrence of natural disasters, while the number of protracted emergencies has also grown. It is worrisome that not even the minimum immediate financial requirements of the Office for the Coordination of Humanitarian Affairs are being met today. This is also the case with the new small, inter-agency Internally Displaced Persons Unit, which is scheduled to be fully operational by next January. Norway has contributed to the Internally Displaced Persons Unit because we regard the high number of internally displaced as one of the main humanitarian challenges of our time. As such, it calls for the United Nations to play a stronger role.

I would like to take this opportunity to appeal to the members of the Inter-Agency Standing Committee that have not already done so to proceed with secondments to the Unit. We hope that this Unit can help fill the serious gaps in the humanitarian response to the needs of the internally displaced.

This brings me to the last point: reaching those in need. The humanitarian imperative may not know any borders, but those who respond to it must certainly take such political realities into account. The primary responsibility for meeting the needs of the internally displaced rests with the affected countries themselves. If they are not able to do so in an acceptable manner, the humanitarian imperative calls for the international community to become involved. International and national humanitarian workers must be granted access to those who need assistance, and the host Government and all parties involved must guarantee their safety and security.

We realize that this is a challenge, since violations of human rights and humanitarian law often lie at the core of a humanitarian emergency. Naturally, those who send or employ humanitarian staff must make every effort to ensure their safety. The financial implications of improving staff safety and security must be duly taken into account when assessing operational requirements.

My delegation has repeatedly emphasized the importance of the safety and security of humanitarian staff. There are too many tragic instances in which their safety has been jeopardized. This is unacceptable, and those responsible should be held accountable and brought to justice. This is our duty not only towards the entire humanitarian community, but also towards those who need assistance. If the security of humanitarian staff cannot be guaranteed, the ultimate victims will be those who will not receive the assistance they so desperately require. And, of course, affected populations may have no choice but to become displaced in search of assistance, thereby aggravating the problem.

In closing, I would like to endorse the statement in the report that "humanitarian assistance is not a solution in itself. It cannot be a substitute for political action." (*A/56/95, para. 13*) We should not only strive to take political action to remedy crises and catastrophes after the fact, but also take the necessary action to prevent these situations from occurring. Usually, prevention requires fewer resources than reparation, and maybe even less coordination.

We welcome the greater effort that has gone into strengthening the capacity of regional, national and local authorities in disaster-prone areas to plan and prepare for disaster and thus mitigate its consequences when it strikes. This is one example of the fact that the United Nations system is far better equipped today to handle natural disasters and complex emergencies than it was 10 years ago, when the landmark General Assembly resolution 46/182 on the coordination of humanitarian assistance was adopted. If not a cause for celebration, this, at least, should provide encouragement to continue and strengthen our efforts to meet the humanitarian needs of the many who deserve our solidarity and support.

Mr. Gamaleldin (Egypt) *(spoke in Arabic)*: Extending humanitarian assistance in cases of natural and man-made disasters is a noble and indispensable activity. Consolidating it and rendering it more effective is the duty of the international community as a whole. Assistance efforts should be provided through the United Nations to deal with natural disasters and the consequences of war, be they wars between countries or civil wars. Natural disasters remain the central focus of the international community, considering the enormous human loss of life emanating from them and the fact that 90 per cent of the victims are found in developing countries. They also lead to great material loss, which has been estimated by the Secretary-General to reach about $100 billion annually.

In spite of the fact that the number of wars between countries has decreased considerably, we notice a great and worrisome increase in the number of armed conflicts, which have led to increasing loss of life. They have also destroyed the material and human infrastructure and negatively affected development efforts exerted by these countries. In addition, they have led to unprecedented numbers of refugees and internally displaced persons.

Egypt is of the view that it is high time to discuss the question of safety and security of those who extend humanitarian assistance. We support the idea that we have to deal decisively with the threats and violence to which these people are subjected. Sometimes these people are detained or murdered. All these practices are condemned by international law. The main statute of the International Criminal Court includes such acts among crimes of war, which come under the jurisdiction of the Court. This positive step is designed to provide the necessary protection and to deter those who might contemplate the commission of such crimes.

Egypt calls upon all parties to armed conflict to respect the rights of humanitarian workers and to ensure their safety and security. We would like to reaffirm that the violations to which these workers are subjected constitute a threat and a violation of international law. At the same time, Egypt calls upon workers in this field to respect the principles of the United Nations Charter and international law, as well as the rules and regulations of host countries, their customs and traditions. They should also respect the guidelines annexed to General Assembly resolution 46/182 adopted in 1991.

Egypt requests that access to the civilian population — women, children and men — inside of any country should be carried out in a sound, legal manner, by obtaining prior consent from the host country with respect for its sovereignty, because the host country should assume the basic role of initiating, organizing and coordinating such processes on its territory. In order to prevent the workers from being exposed to danger, Egypt has always stressed the need that humanitarian assistance operations should not be accompanied by any activity that is likely to threaten the unity or territorial integrity of the host country.

Egypt believes that the extension of humanitarian assistance to civilians in time of war should be carried out with the consent of the countries concerned or upon their request. It should also fully respect the sovereignty, territorial integrity and political independence of these countries. It should not be used as a guise to carry out political ends pursued by some other country or a group of countries. When we speak about extending humanitarian assistance, we mean programmes carried out under the United Nations umbrella or by the International Committee for the Red Cross. Considering that these operations are carried out in accordance with agreements reached by the parties to the conflict, the latter have the duty to provide the necessary protection for participants. In other words, we do not agree that a non-governmental organization should, of its own accord, be allowed to take a decision to extend assistance to civilians in a specific country without obtaining the prior consent of the country. Although we agree that it is difficult to deal with such problems in cases where countries might, for one reason or another, not have a central government able to impose order on its territory, Egypt would like to invite the General Assembly to assume its role in determining the steps that should be pursued by the United Nations in these cases in a transparent way, involving the participation of all countries, big or small, and on an equal footing.

Egypt would like to emphasize that it fully condemns any violations to which civilians may be exposed in time of war. It joins the international community in calling upon all countries and parties to respect the rights of civilians and not to use them as scapegoats for political or military ends. We stress the need not to obstruct humanitarian assistance or to use civilians as human shields. This calls for the application of uniform standards in all cases. The rules of international law should be binding on every country, big and small alike, and the reaction of the international community should not be characterized by double standards.

In this connection, Egypt calls upon the international community to play a role in dealing with the humanitarian emergency faced by the Palestinian people, which is exposed to practices of killing, maiming, blockade and terrorism at the hands of the Israeli forces. This has caused a humanitarian tragedy for the Palestinian people. It has also undermined the Palestine Authority and has obstructed the arrival of humanitarian assistance. Thus, we appeal to the conscience of the world to save the Palestinian economy and institutions, to provide protection for the Palestinian people and to save the peace process in the Middle East.

In this context, Egypt would like to express its appreciation to the United Nations and to various international organizations and organs for the efforts they have deployed to assist the Palestinian people, either through the Special Coordinator or through the Office for the Coordination of Humanitarian Affairs (OCHA). We would also like to express our thanks to donor countries for their financial support and call upon them to increase that support during this critical period, including the response to the appeal made by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Egypt feels that internally displaced persons do not constitute an independent category. They are part and parcel of the civilian population and are therefore covered by the four Geneva Conventions. Therefore, what is presently required is to ensure respect for the provisions of these Conventions and not to invent new rules to protect one category of civilians at the expense of others. We also think that the task of protecting displaced persons is basically a responsibility that should be fully shouldered by their Governments. What is required on the part of the international community is to provide assistance to the Governments of countries that suffer from the phenomenon of internal displacement, so that they may be able to perform their role in extending assistance and providing protection to their citizens.

Egypt would like to reiterate its call to the representative of the Secretary-General to seek the views of all countries concerning the principles that he and a number of legal experts have drafted and to present a report to the General Assembly in this connection so that the Assembly may take the necessary steps regarding these principles. Egypt calls upon the United Nations Secretariat concerned with humanitarian affairs, particularly the Inter-Agency Standing Committee, to try to gradually acquaint the General Assembly with their activities and to acquaint the subcommittees with the reports concerning the situation of internally displaced persons and to develop steps that could be taken by the United Nations in this area.

Egypt would like to express its great appreciation for all the initiatives taken in the international arena aimed at furthering international cooperation in confronting natural disasters. We have joined the group of countries that have sponsored the draft resolution presented by two friendly countries, Turkey and Greece, concerning the establishment of a joint unit to deal with natural disasters under the auspices of the United Nations. We also support the draft resolution introduced by friendly Argentina concerning the participation of volunteers in the activities of the United Nations in the fields of humanitarian relief, rehabilitation and technical cooperation for development. Egypt would like to stress the importance of the General Assembly's leading role in following up on and providing humanitarian assistance in cases of natural disasters. It calls upon the United Nations and its specialized agencies and bodies to assist the countries in need in building their national and regional institutional capacities. Through the Economic and Social Council, it must give proper attention to strengthening to the greatest extent possible the coordination of the activities of all the organizations operating in this field, whether they are within the United Nations system or work with its relevant bodies, by implementing an integrated programme to deal with natural disasters, covering early warning, relief, reconstruction and, finally, the stage of development.

Egypt calls for disseminating the lessons learned from experience with previous disasters in various countries and for gathering special information on the available potentials to deal with such disasters at the regional and international levels. It should also be possible to make use of military and civil defence in dealing with natural disasters covered in the "Oslo guidelines".

Egypt stresses the need for all countries to participate in activities of the International Search and Rescue Advisory Group, which meets in Geneva. It calls upon the Office for the Coordination of Humanitarian Affairs (OCHA) to acquaint the General Assembly with all the details concerning the activities of that Group and the ongoing discussions on the question of a legal framework for controlling international civil search and rescue.

Egypt believes that the provision of sufficient resources for humanitarian assistance is likely to help the specialized agencies to carry out their responsibilities. We would like to stress, in particular, that these resources should not be provided at the expense of those intended for development programmes in developing countries. We note with concern the statement by the Secretary-General, in paragraph 75 of his report in document A/56/95, that "the share of requirements met has shown a steady downward trend, from 80 per cent in 1994 to 59 per cent in 2000." As of May of this year, this share had not gone beyond 23 percent. Funding has also been characterized by imbalances from a geographical and sectoral viewpoint, which does not make it possible to provide the minimum required care.

Egypt therefore calls upon donor countries and international financial institutions to increase their contributions to relief and humanitarian assistance activities in order to fulfil the principle of international solidarity and responsibility and implement the spirit and the letter of the Charter. Egypt supports the proposals contained in the note by the Secretary-General (A/55/649) concerning enhancing the functioning and utilization of the Central Emergency Revolving Fund, aimed at ensuring a more efficient utilization of the Fund by expanding its use to support humanitarian assistance for natural disasters and protracted emergencies and for security arrangements for United Nations and associated personnel. We also support the Secretary-General's proposal to transfer $10 million from the Central Emergency Revolving Fund to a special trust fund to be established for humanitarian assistance in Africa. We call upon the Secretariat to present its ideas as regards the mechanisms of this Fund. The General Assembly is expected to review this project.

Mr. Satoh (Japan): At the outset, I would like to express, on behalf of the Government of Japan, my profound respect for and appreciation of personnel of the United Nations and of non-governmental organizations all over the world who are engaged, under very difficult conditions, in humanitarian relief activities. The courage and sense of responsibility shown by the Afghan staff — who have continued to carry out their humanitarian relief activities, at great personal risk, even after the international staff had to be evacuated from Afghanistan — deserve our special admiration.

Humanitarian assistance is one of the core duties of the United Nations. It is also one of the most difficult tasks to be carried out in the midst of a conflict or confrontation, and often at risk to the lives

of those involved. The humanitarian relief activities in and around Afghanistan are a typical example, and they pose a tremendous challenge to the United Nations.

In this light, the Government of Japan is determined to provide strong support for and cooperation with the efforts of the humanitarian agencies of the United Nations, coordinated by Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs.

The Japanese Government has already begun to extend to neighbouring countries, such as Pakistan, emergency economic cooperation, which includes assistance to Afghan refugees. In response to the donor appeal launched by Secretary-General Annan, it has also pledged to provide up to $120 million to support the relief activities for refugees and displaced persons to be carried out by United Nations agencies and other organizations. Last weekend, the Japanese Foreign Minister, Ms. Makiko Tanaka, visited a refugee camp in Pakistan.

In the view of the Japanese Government, it is important to pay due consideration to the following three points in providing humanitarian relief assistance to Afghanistan.

First, it is essential for the success of humanitarian relief efforts to ensure the safety of humanitarian personnel and their unhindered access to refugees and displaced persons. The Government of Japan therefore calls upon all Afghan forces to ensure the safety and freedom of movement of humanitarian personnel. We also urge them to refrain from acts of reprisal and to adhere strictly to international law, in particular human rights and international humanitarian law.

The Japanese Government welcomes the development whereby, under the leadership of the United Nations, the Afghan parties concerned have agreed to participate in discussions on an interim Government, which are to be held in Germany. We sincerely hope that the dialogue and related efforts will lead to political stability in Afghanistan so that the necessary humanitarian assistance activities are carried out smoothly.

Secondly, the cooperation of neighbouring countries is essential for the smooth implementation of humanitarian assistance. Some of them have already been cooperating by accepting many Afghan refugees, but the cooperation of neighbouring countries is also critically important for the transit of humanitarian relief supplies into Afghanistan. It is therefore necessary for the international community to strengthen its assistance to the neighbouring countries. The Government of Japan, for its part, has been engaged in efforts to provide emergency economic assistance to some of those countries.

Thirdly, it is important to ensure that humanitarian relief activities are followed by rehabilitation and reconstruction assistance without interruption. For this reason, it is necessary to begin at an early stage preparations for extending rehabilitation and reconstruction assistance. This would make it possible to build upon the results of humanitarian relief activities in carrying out rehabilitation and reconstruction. Moreover, rehabilitation and reconstruction assistance facilitates the return of refugees and internally displaced persons and also promotes the reintegration of ex-combatants into society. Further, giving the Afghan people the prospect of such progress will, in turn, encourage them to strive for political stability.

It is based on that line of thought that the Government of Japan, together with the Government of the United States, organized a meeting of senior officials on reconstruction assistance to Afghanistan, held in Washington on 20 November. As confirmed at the meeting, the Japanese Government intends to convene in Japan a ministerial-level conference on the reconstruction of Afghanistan, to be held during the second half of next January.

Needless to say, there are many other parts of the world where humanitarian assistance is as gravely and as urgently needed as it is in Afghanistan. That the 2001 consolidated appeal for $2.5 billion, launched by the Secretary-General a few hours ago, is targeted at 33 million people in 18 countries and regions is clear testimony to that fact. It is the responsibility of the international community to raise the funds necessary for humanitarian relief activities in such areas as West Africa, the Horn of Africa, the Great Lakes region, the North Caucasus, South-Eastern Europe and some parts of Asia.

In none of those areas can we overemphasize the importance of the three points I touched upon in connection with the Afghan situation: the safety of humanitarian personnel; regional cooperation,

including cooperation with neighbouring countries; and the seamless continuum between humanitarian assistance and efforts towards rehabilitation and reconstruction.

Natural disasters too are a grave humanitarian problem to which we must give equally serious attention. Indeed, in recent years natural disasters have been increasing in both scale and frequency all over the world. In developing countries they are a serious disruptive factor in the development process. Earthquakes in Western India and in El Salvador; exceptionally harsh winters — known as *dzud* — in Mongolia; hurricanes in Central America and the Caribbean region; typhoons in East Asia; and droughts and floods in many parts of the world: citing those disasters that have struck just in the past year gives us a clear idea of the magnitude of their destructiveness.

Natural disasters and the consequent need for humanitarian assistance occur suddenly. Thus, it is important to make preparations during normal times so that it will be possible to respond effectively to emergencies and to minimize their consequences. For that reason, the Government of Japan supported an initiative of the Office for the Coordination of Humanitarian Affairs to establish in Kobe an office of ReliefWeb this year, which has made it possible to gather and disseminate information around the globe regarding humanitarian emergencies on a 24-hour basis. The Government of Japan is determined to strengthen its cooperation in efforts in that area, including those under the International Strategy for Disaster Reduction.

In addressing global issues in a wide range of areas, from poverty, environmental degradation, conflicts and refugees to natural disasters and HIV/AIDS and other infectious diseases, the Government of Japan attaches great importance to focusing attention on human security, that is on protecting the life and dignity of people. And it is, of course, in the area of humanitarian assistance where that human-centred approach is most crucial. The Government of Japan will therefore continue to strengthen its cooperation with the humanitarian assistance activities of the United Nations system from the standpoint of attaching particular importance to human security.

Ms. Iyer (India): We thank the Secretary-General for his report (A/56/95) on strengthening of the coordination of emergency humanitarian assistance of the United Nations. India attaches the highest importance to the provision of humanitarian assistance to those in need. That is why, in spite of our resource constraints, we provide substantial humanitarian assistance to those in need, in the true spirit of South-South cooperation.

We have announced economic assistance in the form of medicines, medical assistance, quilts, tents and blankets, and have committed 1 million tonnes of wheat for the needy in Afghanistan and for those displaced from that country. These will be provided through United Nations agencies, including the World Food Programme. We have also declared our intention to extend a line of credit of $100 million for post-conflict reconstruction and rehabilitation. As a country in Afghanistan's immediate neighbourhood, and with an association that goes back into history, we are ready to do more. We shall make every effort to contribute to bringing about lasting peace, stability and development in Afghanistan.

Contributions to the consolidated appeal process have been steadily declining. As of May this year, six months after the consolidated appeals were launched, only 23 per cent of the $2.8 billion requested had been funded. There is a pressing need to ensure the provision of adequate financial resources for the implementation of activities related to humanitarian assistance. Such resources, however, should be additional to, and not diverted from, the already scarce resources for development. That point has also been emphasized in the report (A/55/1000) of the High-level Panel on Financing for Development, which was chaired by His Excellency Mr. Ernesto Zedillo, former President of Mexico. As we have repeatedly said, development assistance, in the long term, reduces the need for emergency assistance by making the socio-economic system resilient in the face of the impact of hazards and disasters.

The Office for the Coordination of Humanitarian Affairs has reported that funding for humanitarian emergencies is uneven. There is quick and generous donor support for some emergencies but little for others. We welcome, in that context, the intention of the Office to carry out an analysis of donor funding and patterns to identify ways to address imbalances. We are also concerned at the increasing tendency to use bilateral agencies and international non-governmental organizations for delivering humanitarian assistance;

we are of the view that multilateral mechanisms are the appropriate channel.

In a climate of shrinking resource flows, it is also essential to ensure optimal and effective utilization of available funds. Capacities existing in developing countries, which are often available closer to the site of a natural disaster, could provide a viable means for extending limited resources. That was one of the main recommendations emanating from the agreed conclusions of the first humanitarian affairs segment of the Economic and Social Council, held in July 1998, and reiterated at the second humanitarian affairs segment, held in July 1999. We look forward to follow-up action by the Secretariat.

We are aware that there is considerable preoccupation concerning the need for incorporating a long-term perspective into the response to humanitarian crises, particularly by having mechanisms for funding the smooth transition from relief to development. We agree that this needs to be addressed. This, however, calls for donor attention, and not institutional attention. Neither the creation of new windows nor the expansion of existing ones in the funds and programmes of the United Nations can be the solution to the problem.

The Secretary-General has noted that access by humanitarian actors to affected populations is one of the key challenges facing humanitarian operations, particularly in complex emergencies. He also makes the point that many humanitarian emergencies are prefaced by escalating human rights violations. While this may be so, it is, in our view, imperative to maintain the distinctions between the political, peacekeeping, humanitarian and human rights aspects of the work of the United Nations if the trust which the United Nations system enjoys in the field of humanitarian assistance is to be maintained. We recognize that the dilemma of bringing humanitarian assistance to populations at risk, in areas of conflict and where a United Nations peacekeeping operation is deployed, can be agonizing. However, as we have often said, it is necessary to recognize that humanitarian assistance cannot be provided — and certainly not sustained — under fire.

The issue of humanitarian assistance for internally displaced persons is contentious. The Secretary-General's report refers to advocacy efforts to raise the profile of the guiding principles on internal displacement. We note, however, that these principles, which were developed only by a team of legal experts in collaboration with international agencies and non-governmental organizations, do not enjoy inter-governmental approval.

We would, in conclusion, like to refer to the guiding principles for humanitarian assistance which have been so clearly outlined in section I of the annex to resolution 46/182. These are notably the principles of humanity, neutrality and impartiality, with full respect for the sovereignty, territorial integrity and national unity of States. The resolution recognizes the primary importance of the consent of the affected countries in the organization, coordination and implementation of humanitarian assistance within its territory. These principles are valid and time-tested, and their continued application would contribute towards success in relieving pain and suffering.

Mr. Sagach (Ukraine): At the outset, I should like to express my delegation's appreciation of the reports prepared by the Secretary-General on the agenda item under consideration. They clearly and objectively reflect the ongoing activities of the United Nations system in addressing the increasing scope of humanitarian assistance issues and persuasively prove the need to further strengthen the coordination of humanitarian and disaster relief assistance rendered by the United Nations, including special economic assistance.

In particular, I would like to mention document A/56/447, entitled "Optimizing the international effort to study, mitigate and minimize the consequences of the Chernobyl disaster". This report contains deep analysis and concrete recommendations on further actions, to be undertaken at the international, regional and national levels, required to overcome the long-lasting consequences of the Chernobyl disaster, which, as it is well known, has severely affected Ukraine, as well as Belarus and the Russian Federation.

The Government of Ukraine fully endorses the new approach towards further optimization of the United Nations activities with regard to Chernobyl reflected in the report. The proposed policy shift from emergency response to developmental assistance will permit focusing international assistance, based on extensive participation on the part of the United Nations Development Programme, the United Nations Children's Fund (UNICEF) and other developmental

agencies members of the Inter-Agency Task Force on Chernobyl, as well as the World Bank and other partners, on the priority tasks to be tackled in the spheres of rehabilitation and development.

The nuclear accident that happened 15 years ago at the Chernobyl nuclear power plant has considerably influenced all spheres of human life in Ukraine, including the environment, social protection and health care, and the economy, in particular, industrial and agricultural production. More than 3.5 million people were affected by the catastrophe, among them, about 1.2 million children. More than 2.3 million people still live in contaminated areas. The overall contaminated area comprises more than 53,500 square kilometres. The aggregate amount of economic losses to date is estimated at $100 billion. Over the past decade, 5-7 per cent of the expenditures of the State budget of Ukraine, amounting to more than $6 billion, has been spent on addressing the consequences of the accident.

Today, 15 years after the catastrophe, it is hardly possible to fully estimate the scope of its long-lasting consequences. The disaster continues to cause significant material and financial losses and radiation damage. It has negatively influenced the health of the population. It would be no exaggeration to say that world science and practice had never faced the problems of such a scale and complexity as those that have stemmed from the Chernobyl accident. Regretfully, we have to admit that the chapter of the Chernobyl disaster in the history of mankind has not ended.

The outcome of the International Conference "Fifteen Years after the Chernobyl Accident, Lessons Learned", held in Kyiv last April and attended by the United Nations Under-Secretary-General, Mr. Kenzo Oshima, was further evidence of this fact.

We welcome the progress achieved in strengthening international cooperation on Chernobyl. We appreciate the activities and role of the United Nations coordinator on Chernobyl, the Under-Secretary-General, Mr. Kenzo Oshima, and his colleagues in promoting international cooperation aimed at mitigating the aftermath of the disaster and in drafting the new United Nations strategy to address the wide scope of problems that still exist. Under the leadership of the Office for the Coordination of Humanitarian Affairs (OCHA), a broad consensus has been built within the United Nations system regarding this innovative strategy.

In our view, the role of the United Nations Quadripartite Coordination Committee on International Cooperation on Chernobyl, chaired by Mr. Oshima, should also be further strengthened in order to provide better coordination of the United Nations activities in addressing the multifaceted and complex problems caused by the accident.

The President and the Government of Ukraine, being fully aware of their responsibility towards the people of my country and the entire world, are taking consistent steps to minimize and mitigate the consequences of the Chernobyl disaster. One of these steps was the closure of the Chernobyl nuclear power plant on 15 December 2000. The historic significance of this action has won wide international recognition and was reaffirmed in a resolution unanimously adopted by the General Assembly at its previous session. By taking this important, though economically and socially difficult, decision Ukraine has reconfirmed its international commitments, in particular, those under the Ottawa memorandum on the closure of the plant.

In his address on the occasion of the Chernobyl plant closure, the President of Ukraine, Mr. Leonid Kuchma, stated that we were ready freely to share with the international community our unique though bitter experience, accumulated over years of eliminating the consequences of Chernobyl, and to elaborate a series of measures guaranteeing safe, healthy and sound living conditions for everyone, everywhere on earth. The President of Ukraine proposes using the area around the Chernobyl plant as a testing ground for the International Scientific and Technological Centre.

Nuclear safety technologies, technologies for the minimization and elimination of the consequences of nuclear accidents, environmental rehabilitation technologies and others could successfully be studied and developed at the site, in the interests of humanity as a whole and for the sake of present and future generations.

I would like to express our strong belief that the decommissioning of the plant should not cause the question of Chernobyl to be removed from the global agenda. With the passing of the years since the disaster, the need to strengthen the coordinated efforts of the international community aimed at addressing its

consequences is becoming even more evident and important. The scope and long-term nature of the consequences of Chernobyl have proved that it is not only an internal issue and a matter of concern for Ukraine, but, once again, a question requiring global attention.

We in Ukraine appreciate what has already been done by the international community to assist my country in mitigating and minimizing the consequences of the Chernobyl disaster, in particular the activities under the Shelter Implementation Plan, adopted by the G-7 Summit in Denver in June 1997, aimed at securing the environmental safety of the sarcophagus covering the destroyed Chernobyl reactor; and the activities under the United Nations Chernobyl Programme — launched in July 2000 jointly by the United Nations Development Programme (UNDP) and the Government of Ukraine, with the financial support of the Administration of the United States of America — aimed at addressing the numerous socio-psychological, medical and environmental problems related to Chernobyl. Let me also mention other important projects in different spheres, implemented with the assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Atomic Energy Agency, the International Federation of Red Cross and Red Crescent Societies, as well as by other international organizations, non-governmental organizations and funds.

Finally, I would like to refer here to the visit of the multidisciplinary inter-agency United Nations mission to Ukraine, Belarus and the Russian Federation, which visited our countries this summer, and the mission of Mr. Kalman Mizsei, United Nations Deputy Coordinator of International Cooperation on Chernobyl and Director of the UNDP Regional Bureau for Europe and the Commonwealth of Independent States, to those countries in October of this year. The findings and the outcome of the missions, the independent analysis of the current situation in the Chernobyl-affected areas, as well as concrete proposals on the projects to be implemented in different spheres connected with mitigation of the consequences of Chernobyl, are to be compiled in a separate report, which is expected to be presented shortly and incorporated into the new United Nations strategy to mitigate the consequences of the disaster.

We are sincerely grateful for and appreciate the assistance provided by the donor community, international organizations, non-governmental organizations and funds to Ukraine in past years. It is our firm belief that the international community will continue to support the efforts of the Chernobyl-affected countries to mitigate the consequences of the disaster, and that the coordinating role of the United Nations in the field of international cooperation on Chernobyl will be maintained and strengthened.

The delegations of Ukraine, Belarus and the Russian Federation, jointly with the delegations of the Czech Republic, Honduras, Israel, Kazakhstan, Kyrgyzstan, Romania, Slovakia, Tajikistan and the United States of America intend to submit shortly for consideration by the General Assembly a draft resolution on "Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster". We call upon delegations to support this draft resolution, and we express our hope that this year, as in previous years, it will also be adopted by consensus.

I would like also to refer to another issue that is important to the delegation of Ukraine — that of economic assistance to the Eastern European States affected by the developments in the Balkans.

The sanctions imposed by the Security Council, applied for a long period against Yugoslavia; the crisis in Kosovo; and the well-known events of 1999 in the Balkans have had a negative impact on my country's economy, which suffered significant losses as a consequence of the disruption of trade and economic links with many European countries and the interruption of navigation on the Danube. The losses incurred by shipping companies and ports alone from 1999 through the first half of 2001 are estimated at about $160 million.

Ukraine is not the only country that has faced such problems. Many other States in the region have also suffered economic losses.

Regrettably, despite the decisions taken by the General Assembly, assistance to the affected States in their efforts to overcome the negative consequences of the recent events in the Balkans has not, in our view, been sufficient.

We are grateful to the Secretary-General for his report on the subject. The report clearly identifies the persistent special economic problems which these

States are confronting. We agree with the conclusions contained in that document (A/56/632).

We believe that further measures should be undertaken by the international community in order to ensure the economic growth and development of the States of the region, in particular the development of transport and of the infrastructure, as well as the full resumption of navigation on the Danube river. We encourage States and international organizations, as well as international financial institutions, to continue to render assistance in order to support the efforts undertaken by the countries of the region themselves.

In this connection, the delegation of Ukraine has elaborated a draft resolution on special economic assistance to the Eastern European States affected by the developments in the Balkans, which will shortly also be submitted to the Assembly. I should like to avail myself of this opportunity to express our sincere hope that the draft resolution on this agenda item will receive, as it has previously, the broad support of delegations and will be adopted by consensus by the General Assembly at its fifty-sixth session.

Mr. Shen Guofang (China) (*spoke in Chinese*): It has been almost 10 years since the adoption by the General Assembly of resolution 46/182 in 1991. The Chinese delegation appreciates the great efforts made by the relevant United Nations bodies throughout these years in strengthening the coordination of humanitarian assistance. I would also like to express appreciation for the efforts made by non-governmental organizations in humanitarian relief work.

We must also note, however, that in the first year of this new century the world is not as peaceful as we would like it to be. New armed conflicts have broken out here and there, refugee problems are getting worse and the number of natural disasters has increased, leading to enormous loss of life and property. The international community still has a long and difficult road ahead of it, therefore, in order to ensure that humanitarian assistance is carried out in an orderly and smooth manner and to achieve tangible results.

The Chinese delegation would like to comment on some of the problems referred to in the Secretary-General's report. First, when providing humanitarian assistance, the United Nations and the international community should always strictly observe the guiding principles of the Charter, such as humanitarianism, neutrality and impartiality, as well as respect for sovereignty, territorial integrity and national unity. The relevant agencies of the United Nations and other regional organizations should do their jobs in accordance with their responsibilities. Without the application of these principles, it will be very difficult for humanitarian assistance efforts to achieve the required outcome. Worse still, new humanitarian disasters could very well result.

Secondly, as the Secretary-General has indicated in his report, experience over the past 10 years has shown that humanitarian assistance cannot be a substitute for political action. In many cases, without coordinated political and diplomatic efforts, it is impossible properly to resolve crises. The Chinese delegation would like to emphasize that when providing assistance, the international community should consider it a priority to eradicate the roots of humanitarian crises so as to prevent them from recurring.

Thirdly, resolution 46/182 has proved its effectiveness over the past 10 years. Today, as the humanitarian situation is rapidly deteriorating, that resolution can still provide important guidance for humanitarian efforts by the United Nations. We hope that the relevant agencies of the United Nations will strictly abide by the provisions of that resolution in carrying out humanitarian assistance efforts so as to achieve truly effective results.

Fourthly, the Office for the Coordination of Humanitarian Affairs (OCHA) has done a great deal of work and achieved good results in the field of international humanitarian affairs over the past year. We would like to express our appreciation for that. We hope that OCHA will be able to obtain sufficient financial resources for its operations; with a sound financial basis for its global humanitarian efforts in place, it would be able to respond more effectively to emergency situations.

Lastly, I would like to comment on the White Helmets initiative. As a mechanism, established by countries on a voluntary basis for responding to disasters and emergencies, the White Helmets initiative complements humanitarian assistance efforts in an important and useful way. The Chinese delegation believes that the initiative is a positive one that will contribute to the strengthening of the capacity of all countries, in particular developing countries, in disaster preparedness and disaster reduction. Its potential is yet

to be fully tapped. We hope that the relevant United Nations agencies will carry out in-depth studies in this regard and make full use of the White Helmets initiative as the international community takes action to deal with natural disasters.

Mr. Siv (United States of America): I welcome the opportunity to speak on this agenda item and thank the Secretary-General for his thoughtful report on humanitarian assistance.

World attention is currently focused on Afghanistan. There is a need for an effective and well-coordinated relief and reconstruction effort there. The international community is committed to helping the Afghan people. In this regard, it is important for the United Nations to continue to play a central and vital role.

This effort should provide a positive vision for the future of Afghanistan. It must be linked to a broad-based government that represents and protects human rights. It needs to apply to individuals of every ethnic background and region — women as well as men. Indeed, in all of our efforts — relief, rehabilitation and reconstruction — we must ensure that women play prominent roles as planners, implementers and beneficiaries. The Afghan people must play a central role in rebuilding their societies. They should be involved at all levels: national, provincial, local and grass roots. We encourage the Afghan diaspora to make an important economic contribution, as well.

There are a number of issues that must be addressed before and throughout the reconstruction process in Afghanistan. First, the safety and security of humanitarian workers must be ensured. Secondly, the United Nations, international organizations, donors and non-governmental organizations must have safe access to affected populations.

Thirdly, mines must be cleared so that refugees and internally displaced persons can return safely to their homes. Fourthly, schools must be re-opened and made available to students of every ethnic background and region, girls as well as boys. By re-opening the schools, the long-term goal of educating the future leaders of Afghanistan will be better met. It will also help address the more immediate goals of allowing families and communities to restore order to their lives, while providing employment and income for Afghan teachers.

Fifthly, health-care systems must be re-established and made available to all men and women, boys and girls. Sixthly, agriculture — including providing seeds for planting, repairing irrigation systems and restoring family farms — must be high on the list of reconstruction priorities.

In order to survive the years of fear and misery, the people of Afghanistan drew deeply on their own courage, ingenuity, skill and faith. We will help them draw on those same strengths to recover and thrive in a twenty-first-century world. Through close cooperation and the disciplined management of international assistance, progress in Afghanistan will be made.

Although the world's headlines remain focused on Afghanistan, we cannot forget other humanitarian emergencies and natural disasters around the world. We believe that the Secretary-General's report offers sound recommendations for improving our response to those crises. In particular, the United States endorses the following recommendations contained in the report.

First, access to vulnerable populations is paramount to relief efforts. The Emergency Relief Coordinator must be able to negotiate improved access. By his doing so, the delivery of humanitarian assistance will be greatly enhanced.

Secondly, the Inter-Agency Standing Committee (IASC) has played a key role in improving the effectiveness and efficiency of humanitarian operations. We support a strengthened role for the IASC to improve the coordination of humanitarian response. In this regard, however, serious concerns remain. For example, problems continue within the inter-agency process in selecting resident and humanitarian coordinators and deploying them in a timely fashion. We must do better.

Thirdly, we welcome the more efficient use of the Central Emergency Revolving Fund (CERF). We support expanding the use of the CERF to include humanitarian assistance resulting from natural disasters. We also endorse its use for requirements in protracted emergencies and for security arrangements for United Nations and associated personnel.

Fourthly, we urge all Governments, including my own, to better coordinate the allocation of resources to the consolidated appeals process. In doing so, we will ensure that our funding supports the integrated strategy expressed in the appeal.

Fifthly, we recognize that the international community is more likely to respond at the beginning of a crisis. We recognize, however, that funding is equally crucial when a country or region is beginning to get back on its feet. We therefore encourage more Governments to become donors. We also invite donors to explore ways that will increase funding for transitional activities.

The United States also supports the Secretary-General's recommendations on groups with special needs. Relief efforts must build on the strengths of the affected populations. These individuals should be involved in distributing humanitarian assistance, as well as in rehabilitation and peace-building activities.

Women need to be involved in preventing and resolving conflicts. Their participation is essential for maintaining peace and promoting security. All humanitarian agencies should provide human rights and gender training for their staff. A gender perspective needs to be integrated into all humanitarian efforts in order to ensure that the capabilities and needs of men and women are taken into account.

We support the Secretary-General's efforts to strengthen the capacity of the United Nations system to better address the needs of internally displaced persons. In our doing so, the accountability of the United Nations system in responding to this population will be further enhanced.

Finally, my Government maintains a strong commitment to natural disaster relief and mitigation. We support the objectives proposed by the Secretary-General in the International Strategy for Disaster Reduction. In particular, we endorse his calls for closer ties to non-United Nations entities working in disaster management. It is important to bolster the capacity of national and regional authorities to conduct their own disaster management. We also commend United Nations agencies for developing close ties to disaster information programmes, such as ReliefWeb, and we encourage broader use of standard information-sharing formats.

As we heard this morning during the global launch of the consolidated appeals process, millions of individuals throughout the globe face immense humanitarian needs. The efforts of all of us — the United Nations agencies, the donors, the Red Cross-Red Crescent movement, the private non-governmental agencies and the host Governments — all need to be strong and well-coordinated so that those needs are met to the best of our abilities.

Mr. Fonseca (Brazil): There is an ongoing debate concerning the obstacles to the effective delivery of assistance to those in need. We often ask what is the main obstacle that thwarts humanitarian assistance. For some, it is a matter of scant resources; for others, the attacks perpetrated against humanitarian workers and the lack of a safe and secure environment.

In fact, depending on the situation, different combinations of factors — such as lack of resources, a shaky security environment and difficulties in ensuring coordination — enter into play and can hinder the delivery of humanitarian assistance.

The time is ripe to overcome the politicization of the debate and to adopt a fresh perspective with regard to the role of the United Nations in providing humanitarian assistance. In our view, it is sufficient to reaffirm at the political level that General Assembly resolution 46/182 continues to provide the framework for United Nations humanitarian activities. This is the overarching political statement we need to make in order to avoid misgivings and to take a more cooperative and less confrontational stance in this field.

Misgivings can also be avoided by what I would call confidence-building measures. Relatively simple ideas can create a whole new window of opportunities. As we stressed during this year's humanitarian segment of the Economic and Social Council, we can improve further the flow of information and open up new channels for a more systematic and smooth exchange of views among the Secretariat, the Economic and Social Council and other United Nations organs. We are pleased to note that the Under-Secretary-General for Humanitarian Affairs, Mr. Kenzo Oshima, has initiated the practice of briefing the Economic and Social Council and interested delegations on the work of the Office for the Coordination of Humanitarian Affairs.

I would like to highlight three broad areas that are inescapable in any attempt to improve the performance of the system: prevention, coordination and protection.

Although emergency relief for natural disasters is essential, preparedness is also crucial. International assistance, including in the field of long-term development, is key in this regard and can make a

difference in mitigating damage and reducing the need for post-disaster aid and reconstruction. Natural and man-made disasters alike continue to cause pain and suffering all over the world, while the resources to alleviate their consequences and enhance prevention efforts fall short of what is needed.

Prevention has an equally important role to play when it comes to so-called complex emergencies. In this context, prevention involves the construction of solid pillars for a peaceful society through cooperation for development, poverty eradication and the strengthening of the rule of law. The report of the Secretary-General on the prevention of armed conflict is an important contribution to this end and deals with prevention as a cross-cutting issue. It rightly stresses that prevention requires the coordination of various United Nations organs and other relevant actors and stakeholders. Coordination is also essential, and we should build on experiences such as the joint disaster response and recovery mission undertaken in all countries affected by Hurricane Mitch and on other lessons learned during emergencies. Therefore, we attach great importance to the contribution that can be made by the General Assembly, the Security Council and ECOSOC in their respective spheres of competence with a view to producing synergy in the realm of humanitarian assistance. Joint meetings of United Nations organs can help to create an environment conducive to increased interaction and cooperation.

In the area of protection, let me mention three issues: access of humanitarian personnel to those in need and the responsibility of States; safety and security of humanitarian personnel; and the question of internally displaced persons.

States have the primary responsibility in the delivery of assistance to their populations. But if they are unable to do so, they must comply with their international obligations to ensure safe and unhindered access of humanitarian personnel to those in need. We know that crises of refugees and internal displacement have multiple causes. It is disturbing to find that systematic violation of human rights is among the most frequent of them. It is extremely important to strengthen the advocacy efforts of the United Nations system and act to halt abuses and to ensure that those responsible are held accountable for their crimes.

In today's conflicts, the distinction between combatants and civilians is often blurred and the consequences are frequently tragic. Humanitarian workers and the civilian population suffer the most as the result of the highly complex environment of today's conflicts. They are increasingly targeted and often become victims of either deliberate or random violence. The number of civilian staff killed in the service of the United Nations is shocking. Many non-United Nations humanitarian workers have also been victimized.

Last year's report of the Secretary-General on this issue put forward a number of recommendations to strengthen the United Nations security management system. We must act promptly on them. Brazil ratified the 1994 Convention on the Safety of United Nations and Associated Personnel during the Millennium Summit. We hope that the Sixth Committee will give priority to the proposal of the Secretary-General with a view to widening the scope of protection under the 1994 Convention. Again this year, Brazil will co-sponsor the draft resolution on safety and security of humanitarian personnel and protection of humanitarian personnel.

With regard to the serious question of internally displaced persons, it is necessary to adopt concrete measures to alleviate their plight. There are millions of internally displaced persons in the world, the majority of them living under precarious conditions. We welcome the intention of the Office for the Coordination of Humanitarian Affairs to strengthen its capacity to support the response of the operational agencies to the needs of the internally displaced. We also support the work of the Special Representative of the Secretary-General and encourage him to continue to establish a dialogue with Governments with a view to establishing or strengthening the local framework of protections for internally displaced persons. The use of the Guiding Principles on Internal Displacement by a number of Member States is a positive development.

Donors must fulfil their pledges and increase their contributions to meet the requirements of the consolidated appeal process. This also includes the so-called forgotten emergencies, those crises that are out of the limelight of the international media. Recipient countries must show the political will to facilitate the provision of humanitarian assistance and address the causes of crises. Moreover, all of us must adopt a

generous, victim-centred approach to humanitarian emergencies.

In conclusion, allow me to honour all those who have paid the ultimate price while trying to provide some hope for the underprivileged of the world.

Mr. Laperche (Argentina) (*spoke in Spanish*): It is my honour to speak in this plenary meeting on behalf of my Government on the occasion of the consideration of agenda item 20, "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance". I would like to refer to sub-item (d), "Participation of volunteers, 'White Helmets', in the activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development".

My delegation wishes to thank the Secretary-General for his report, contained in document A/56/308, on the White Helmets Initiative, which constitutes the basic document for the consideration of the sub-item to which I have referred. I also wish to express appreciation for the continuous and committed support given to the Initiative by the United Nations volunteers and the agencies of the United Nations system in the countries where we have worked together.

In this connection, I must also mention the sustained trust and encouragement that the Initiative has received from the United Nations Development Programme, whose role in the field of international cooperation for development our Government acknowledges and supports. Our permanent contacts give us reason to envision even more intense collaboration in the future, taking full advantage of new initiatives with regard to wider partnerships.

Finally, it is a debt of honour for us to recognize the important guidance that the United Nations Office for the Coordination of Humanitarian Affairs, in both New York and Geneva, has always provided with respect to the joint activities that have taken place in Mozambique, Kosovo, El Salvador and East Timor, among other places.

As the Secretary-General pointed out in his report, the White Helmets has proved, through its activities and results, to be a valuable instrument in the field of cooperation and in the financing and mobilization of resources. Although the White Helmets Commission of Argentina has carried out the largest number of activities, many other countries have established coordination centres to study the possibilities for expanding the Initiative and achieving its objectives.

The report of the Secretary-General shows clearly the Initiative's good course of gradual and continuous progress, confirmed through a broadening network of agreements and institutional contacts with, among other organizations, the World Food Programme; the United Nations Educational, Scientific and Cultural Organization; the Organization of American States; the Inter-American Development Bank; the United Nations Children's Fund; the Office of the United Nations High Commissioner for Refugees; the European Parliament; and the Organization of African Unity.

I wish to express my gratitude for the views that the Secretary-General expressed in his report, which affirms the validity of the concept of the White Helmets as standby volunteer teams, previously identified and trained, available to the United Nations to provide immediate support for relief, rehabilitation, reconstruction and development activities. It is within this context that Argentina will introduce shortly a draft resolution on the White Helmets Initiative for consideration by the General Assembly.

My Government wishes to take this opportunity to confirm its commitment to the Initiative and to express its belief that the Initiative deserves the sustained support of all members of the international community.

As the Secretary-General has pointed out on more than one occasion, the active participation of civil society in United Nations activities is a prerequisite for the success of humanitarian relief missions. We are convinced that the availability of White Helmets volunteers is one of the useful, effective and efficient ways to ensure orderly and growing participation in these activities. As in previous years, the draft resolution will contain the concepts necessary to contribute to such a task and will give Member States, through the strengthening and broadening of consultation mechanisms, the responsibility for ensuring the necessary political guidance that this international cooperation instrument requires. The interest shown by many Member States and sectors of civil society in the concept and features of White Helmets, as well as its potential replication, has led the

Secretariat to consider that its implementation adequately meets the relevant requirements of the General Assembly.

This draft resolution will also include our regional perspective in its reference to the consideration given to the While Helmet Initiative by the Southern Cone Common Market (MERCOSUR), which is made up of Argentina, Brazil, Paraguay and Uruguay and its associated countries Bolivia and Chile. In this respect, the workshop seminar "White Helmets in MERCOSUR: Regional humanitarian will" was recently held. It is our understanding that that dimension will help improve the efficiency of common effort and expand the base of human resources available at the regional level. We encourage other regional associations to consider this approach with the hope that it represents a step towards a more effective and far-reaching humanitarian assistance mechanism.

I would not wish to conclude without expressing my Government's constant concern and my own concern at the risky security conditions that humanitarian personnel must face on the ground. It is very unfortunate that those men and women, who volunteer their hearts, bodies and minds to restore the well-being of needy people, should themselves be the target of the most irrational violence. Expressing our concern about that serious situation is not enough. It is our responsibility to express very clearly our sense of revulsion at that violence and to take the necessary steps to prevent its recurrence.

Mr. Sun Joun-yung (Republic of Korea): At the outset, I would like to express my appreciation to the Secretary-General for his comprehensive reports on this agenda item. In our view, the reports encompass all key aspects of humanitarian assistance and illuminate the way forward in this field.

This year marks the tenth anniversary of the creation of a United Nations humanitarian assistance mechanism, comprised of the Emergency Relief Coordinator, the Inter-Agency Standing Committee, the Central Emergency Revolving Fund and the Consolidated Appeals Process. My delegation believes that, in the decade since its inception, this mechanism has greatly enhanced the efficiency and effectiveness of United Nations humanitarian operations by strengthening the coordination of emergency humanitarian activities, with the United Nations Office for the Coordination of Humanitarian Affairs as the focal point.

In the past decade, we have witnessed an exponential growth in the scale and number of natural disasters, a trend that continues to this day. These natural disasters have tended to recur in the same forms and in the same regions, such as the droughts in the Horn of Africa and in central and southern Asia, the floods in Mozambique and Asia and the earthquakes in Latin America and India.

Given this fact, there is no disputing the increasing need to adopt preventive strategies that minimize the risk and impact of disasters. One such approach is to strengthen early-warning systems by promoting information-sharing at the regional and national levels, as well as to enhance the awareness and responsibility of regional bodies for humanitarian response.

In this regard, it is noteworthy that the Pan American Health Organization of the World Health Organization has made significant progress in developing an effective response to disasters in the Americas and the Caribbean and that the establishment of a southern African regional mechanism for disaster management is under way. My delegation supports the Secretary-General's recommendation that the Asian region, the world's most disaster-prone continent, also establish a regional disaster assessment and coordination mechanism.

In the case of complex emergencies, which have intensified in many parts of the world, more wide-ranging efforts are required. To prevent the expansion of humanitarian crises, it is especially important to adopt an integrated strategy that encompasses all phases, from early response to mitigation and rehabilitation in the post-conflict stages. The United Nations has made great progress in this respect, preparing inter-agency contingency plans and developing relief web sites to ensure widespread access to comprehensive and up-to-date information.

In carrying out these humanitarian activities, special attention should be paid to internally displaced persons, particularly women and children. Women are not only a vulnerable group, but they are also key actors of positive change in conflict and post-conflict situations. In this regard, the Member States of the United Nations will have to endeavour to establish a

culture of protection based on international humanitarian law.

The culture of protection should also apply to aid workers. We are pleased to note the adoption of a resolution recognizing the need to consider the safety and security of locally recruited personnel and establishing an ad hoc committee to consider the recommendations made by the Secretary-General in his report to enhance the protective legal regime for United Nations and associated personnel.

The perils faced by humanitarian workers were vividly brought to light by a recent incident in Afghanistan in which eight Western aid workers were detained for three months before being released. In the light of the close working relationship that exists between the United Nations humanitarian agencies and non-governmental organizations, whose roles are increasing, my delegation believes that appropriate protection for non-United Nations humanitarian personnel is also needed, beyond the sharing of security information.

In recent years, the international community has been confronted with a number of serious humanitarian challenges, the most current being the situation in Afghanistan. The humanitarian situation in this country has dramatically deteriorated during 22 years of conflict driven by ethnic, tribal and religious factors and has been exacerbated by the worst drought in 30 years. Recently, the international community, with close coordination between international agencies, has made its utmost effort to provide humanitarian assistance in spite of various constraints.

Now we are at a critical stage, entering the transitional period leading to a post-Taliban Afghanistan. We will have to continue to deploy humanitarian operations and prepare to rebuild the country, while ensuring security and order. This challenging task requires a comprehensive approach designed to bring together all the elements that we are endeavouring to foster: a sense of urgency, coordinated and effective planning, the security of aid workers, a gender perspective, coordination between political, peacekeeping and humanitarian actors, a close connection between short-term relief assistance and long-term development, and so on.

Indeed, the coordinated efforts of all actors, backed by the political will and support of Member States, are key to the success of humanitarian operations. This is particularly so in responding to complex emergencies.

The Republic of Korea stands ready to take part in these efforts. In addition to its pledge of emergency humanitarian and economic assistance worth $12 million in kind and in cash to Afghanistan and its neighbouring countries, the Korean Government will continue to participate in the reconstruction of post-conflict Afghanistan.

I would like to conclude by reaffirming our commitment to further enhancing humanitarian response capacities in a systematic, effective and sustained manner in the process of dealing with the situation in Afghanistan.

Mr. Lorenzo (Mexico) *(spoke in Spanish)*: Humanitarian assistance is one of the most noble expressions of international solidarity and cooperation in the face of the challenges which, at the global scale, are presented to us by nature and by emergency situations created by the eruption and persistence of conflicts.

Humanitarian assistance is a complicated task that requires clear and well-defined rules. Accordingly, Mexico supports the guiding principles established in General Assembly resolution 46/182. This important resolution constitutes, at the same time, a plan of action and a standard of conduct for extending international solidarity and cooperation. This type of assistance must be provided in accordance with the principles of humanity, neutrality and impartiality. It should also be provided within the framework of full respect for the sovereignty, territorial integrity and national unity of States, in accordance with the United Nations Charter and always at the request, or with the consent, of the receiving State.

Humanitarian assistance should support recovery and development in the long term. After the initial relief phase, international cooperation and support for the rehabilitation and reconstruction of the country should be pursued with sustained intensity. The rehabilitation phase should represent an opportunity to restructure and improve destroyed installations and services interrupted as a result of natural disasters and conflict.

In this task, the United Nations must play a central role to provide leadership and to coordinate the efforts of the international community. Mexico is

convinced that prevention is always better than a cure. Accordingly, we wish to assert that sustainable development is, and continues to be, the best deterrent to conflict and, at the same time, the best defence against the vicissitudes of nature. We also reiterate the importance of strengthening international cooperation for development.

In recent years, the impact of natural disasters has increased significantly in terms of the number of catastrophes and victims, as well as the magnitude of the damage caused, with profound social consequences and severe alterations to the developing economies of the nations affected. In 1999 alone there were more than 700 large-scale disasters that caused the deaths of approximately 100,000 people and caused economic loss amounting to more than $100 billion; this reflects an annual increase of approximately 10 per cent during the 1990s.

The Secretary-General's report on international cooperation for humanitarian assistance in the field of natural disasters clearly reflects the constant increase of the vulnerability of people to natural disasters, particularly in developing countries. This report also shows us that the probability of persons dying as a result of natural disasters is four times higher in low-income countries than in high-income countries, and it also warns us that the average cost of disasters in terms of the gross domestic product (GDP) can be 20 times greater in developing countries than in industrialized countries.

Mexico is convinced that humanitarian assistance must help to reduce effectively the vulnerability of countries, particularly developing countries, to natural disasters. We therefore believe that humanitarian assistance must promote a better response capacity and should promote the adoption of measures to help reduce long-term risks, including prevention and mitigation. Only in this way will it be possible to achieve effective transition from relief to development. Based on this belief, Mexico, for the third consecutive year, is co-sponsoring the draft resolution of the General Assembly on international cooperation for humanitarian assistance in the field of natural disasters, from the emergency phase to the work of reconstruction and development.

The Government of Mexico wishes to reiterate its condolences to and its solidarity with all countries that face natural disasters and other types of emergencies.

We also share international concern about the safety of humanitarian workers. We believe this issue is a central element in the effectiveness of humanitarian assistance. We express our full support for humanitarian personnel, and we extend our condolences to the family members of humanitarian workers who have lost their lives in carrying out their duties.

Mr. Morales (Panama) *(spoke in Spanish)*: The delegation of Panama, speaking on behalf of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, is honoured to address this plenary meeting of the General Assembly on agenda item 20. In the general item, entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance", Central America attaches particular importance to its Alliance for Sustainable Development as the subregional political framework reflected in the region's commitment to sustainable development.

The report of the Secretary-General contained in document A/56/158 examines in depth the economic situation in Central America in the past few years, and also gives many details about the problems of cooperation that occurred since the previous report. It is important to recognize the great value of the Secretary-General's report and to express our satisfaction at the impeccable way in which it has been presented.

The Alliance for Sustainable Development in Central America has been a suitable mechanism for the establishment of subregional priorities in the economic, social, political, cultural and environmental areas. We have directed our efforts towards greater and more effective harmonization of macroeconomic policies and towards greater modernization of our energy, transport and telecommunications infrastructures. We have also made significant progress towards the consolidation of peace based on democratic processes and unambiguous respect for human rights.

In this context, it is important to mention the work of the Coordination Center for the Prevention of Natural Disasters in Central America; its work has been very useful for the subregion, given our vulnerability to natural disasters. The Center has been able to assist countries to develop more effective strategies for the mitigation of the impact of natural

disasters and has devoted efforts to the establishment of early warning networks in the various countries in the region. Similarly, a meeting of subregional experts was recently held in San José, Costa Rica, to take up the question of armed forces and the environment with a view to studying the potential for coordination and to identify national assistance requirements in the event of natural disasters. These regional and subregional mechanisms are considered as potentially highly effective tools for greater coordination of humanitarian assistance in affected countries.

The sustained support of the international community and the United Nations system for the efforts of the countries of the Central American region is vital to achieving the goals contained in the plan of action of our Alliance for Sustainable Development. Only the mobilization of appropriate resources to support this initiative will make it possible for Central America to alleviate extreme poverty and bring the subregion the most precious benefits of sustainable development.

Mr. Heinbecker (Canada) (*spoke in French*): Humanitarian assistance is of cardinal importance to the victims of natural disasters and other emergencies.

Beginning with that first, basic principle, the General Assembly set out the essential framework and tools to facilitate international coordination and action in response to emergencies. The drafters of resolution 46/182 were remarkably far-sighted in placing appropriate emphasis on policy and practice. Given the challenges currently unfolding in Afghanistan and elsewhere, it is appropriate that we mark the tenth anniversary of that resolution and the mechanisms established as a result.

The environment in which humanitarian operations are undertaken has changed significantly in scope and complexity over the last decade. This is especially true with respect to the terrible increase in the targeting of civilian populations during conflicts. Nevertheless, the issues and challenges outlined in resolution 46/182 remain highly relevant.

(*spoke in English*)

Whether it is State responsibility, international engagement, prevention, coordination, cooperation and leadership or the transition from relief to development, not a single day goes by here when these issues are not at the centre of international responses to humanitarian crises. This is not to say that these tools and mechanisms may not need refining from time to time. While resolution 46/182 outlines the best-case scenario, far too often the reality we are confronted with on the ground is vastly worse. To remain relevant, mechanisms set up on even the most solid foundations must be responsive to new and changing circumstances.

If we consider the experiences of the last 10 years in our responses to both natural disasters and complex emergencies, there are three challenges that consistently stand out with respect to the effective implementation of the principles outlined in resolution 46/182. Those are coordination, resources and political will. Let me discuss each in turn.

Coordination is never easy, and in the humanitarian context is made even more complicated by competition for finite resources and, most often, a multiplicity of actors. When it happens, poor coordination among United Nations actors can have devastating consequences for vulnerable populations, affecting the timeliness and efficiency of our collective response. Concern does persist over in-fighting among agencies but, even so, important strides have been made. Those include developing the responsibilities of the Emergency Relief Coordinator, outlining the functions of the Office for the Coordination of Humanitarian Affairs (OCHA) and transforming mechanisms such as the consolidated appeals process and the Inter-Agency Standing Committee. Also of note are the evolution of United Nations Disaster Assessment and Coordination Stand-by Teams; efforts to create better links between the political, military, human rights, humanitarian and development arms of the United Nations; and moves to clarify accountability lines for Humanitarian and Resident Coordinators.

Recent steps by the Emergency Relief Coordinator in Afghanistan are illustrative of what we have learned. The timeliness of the decision to appoint regional focal points, for example, was welcome. The response of the United Nations to meeting the needs of internally displaced persons will be another important litmus test. Action in the areas of the collective commitment to the Internally Displaced Persons Unit within OCHA, the application of the supplementary guidance by country teams and the follow-up to the recommendations made by the Senior Inter-Agency Network on Internal Displacement will be an important

indicator of how far agencies have moved towards embracing coordination.

Closely linked to the first challenge of effective coordination is the second challenge, namely, resources. The provision of adequate, timely and flexible financial and human resources can greatly enhance the ability of the agencies to fulfil the tasks we give them. Unfortunately, we have seen that financial flows are often not commensurate with needs and vary from crisis to crisis. Closer donor collaboration and the leveraging of resources is essential to meet our demands better. Moreover, if we are serious about coordination, then we must be prepared to invest in it. A clearer picture of funding patterns would help in this respect. We welcome OCHA's decision to initiate a study on this subject over the coming year.

While we strongly support the Consolidated Appeals Process, better subscription is dependent on individual agency performance and on its ability to demonstrate results. We must also explore the development and implementation of more creative funding and capacity building mechanisms to deal with the transition between relief and development. That would include Governments, which should focus on resolving structural obstacles in their own capitals that inhibit transition support. Too often, we undermine our own humanitarian investments by failing to put countries emerging from crisis on the footing needed for sustainable peace and stability. Where possible, affected countries should also contribute, and in so doing demonstrate their commitment to meeting the needs of their vulnerable populations.

That ties into the third challenge associated with the implementation of resolution 46/182, namely, political will and the role of affected countries. The resolution appropriately balanced emphasis between the primary responsibilities of affected States to meet the needs of populations within their territory and the role of the international community where those States cannot acquit those obligations. This has tended to work extremely well in the context of natural disasters, less so with respect to conflicts, where tensions between the principles set out in the 46/182 and the reality on the ground are most apparent.

Access is a case in point. In many environments, humanitarian actors are present but not able to reach affected populations. That can be due to security, but also to the policies of authorities controlling a given area. Sovereignty implies responsibility by affected States for their civilian populations. It is also a shared responsibility. The international community can play an important role in helping authorities to fulfil their responsibilities to initiate, organize and implement humanitarian aid.

While progress in the areas highlighted would improve international responses to humanitarian emergencies, we must be mindful that even if we have the coordination, money and a responsive affected State, without a secure environment, assistance may still fail to reach those most in need. The reduction in safety and security for humanitarian personnel is an area that has changed dramatically over recent years. Attacks against aid workers are carried out with impunity. The General Assembly has spent much time talking about the safety and security of personnel, but only this year has it — have we — taken concrete steps to do something about it. We in Canada are very pleased that the Sixth Committee has agreed to strike a working group to consider the Secretary-General's recommendations on strengthening the legal protections of United Nations and associated personnel. We are also optimistic that the United Nations security management system can and will be strengthened by receiving increased regular budget funding. These are important steps, which have been a long time coming. We must now ensure that they make a difference out in the field.

In closing, let me reiterate that it is essential to recall that protection and assistance to civilian populations is ultimately the goal of resolution 46/182. We are not interested in coordination for its own sake, but because it is a means to an end. The end is to ensure that humanitarian assistance reaches the victims of natural disasters and other emergencies. It is critical that we not lose sight of that objective, and it is crucial that we focus our energy on achieving results for the victims.

The meeting rose at 6.05 p.m.

United Nations A/56/PV.64

General Assembly

Official Records

Fifty-sixth session

64th plenary meeting
Tuesday, 27 November 2001, 10 a.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Rosenthal (Guatemala), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 125 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/56/345/Add.1)

The Acting President (*spoke in Spanish*): I should like to inform members that, since the issuance of document A/56/345, Seychelles has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 34

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Secretary-General (A/56/276 and Add.1)

Draft resolution (A/56/L.9)

Mr. Hasmy (Malaysia): The issue before us this morning is of great importance not only to Cuba but also to other States Members of the Organization, as it has serious implications for them. Since the forty-seventh session of the General Assembly, Member States have rejected the use of unilateral trade measures by one Member State to effect political reforms in another. Similarly, the General Assembly's adoption of resolution 55/20 on 9 November last year, with positive votes from more than two thirds of the membership of the Organization, reflected the wish of an overwhelming number of Member States that that policy be terminated. We are certain that there will be overwhelming rejection of the unilateral embargo on Cuba at the present session as well.

My delegation welcomes the report of the Secretary-General, contained in documents A/56/276 and A/56/276/Add.1. Virtually all the replies outlined in the report, from 75 Member States or groups of States and from relevant United Nations organs and agencies, called for an immediate end to the unilateral embargo on Cuba. That clearly reflects the common view that the extraterritorial application of what is essentially a domestic law infringes on the sovereignty and legitimate interests of States and is inconsistent with the provisions of the Charter of the United Nations.

Malaysia remains strongly opposed to all forms of economic, commercial or financial sanctions or embargoes on States, which run counter to the spirit of the Charter of the Organization. We therefore view with concern the continued application of a unilateral policy of coercive economic, commercial and financial embargo against Cuba. The application of laws, in particular the "Helms-Burton Act" of 1996, which are

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

01-65994 (E)

intended, inter alia, to restrict the access of Cuba to markets, capital, technology and investment in order exert pressure on it to change its political and economic system and orientation is a flagrant violation of the principles of international law, the Charter of the United Nations, the World Trade Organization and numerous General Assembly resolutions. It is discriminatory in nature and undermines the principle of the sovereign equality of States and fundamental human rights.

The economic blockade against Cuba is not only a violation of international law, but, as confirmed by various reports, violates the right of the people of Cuba to life, to well-being and to development without distinction as to age, gender, race, religious belief, social situation or political ideology. The embargo has caused tremendous economic damage and has aggravated the plight of the Cuban people.

As a staunch advocate of free trade and of relations between nations based on respect for the norms and principles of international law, the United States would do well to re-think its overall approach towards Cuba and to cause its policy of isolating its small neighbour to evolve into a policy of dialogue and accommodation. That approach would be consistent with the process we have launched here at the United Nations with the proclamation of 2001 as the United Nations Year of Dialogue among Civilizations. Clearly, dialogue and engagement among countries and among civilizations, not isolation and confrontation, are the way of the future.

It is our fervent hope that, in the new spirit of the times and at a time of increasing globalization and interdependence among States, the United States will be able to make its Cuba policy evolve into one with a more realistic orientation and to put its relationship with its neighbour on a new footing.

Malaysia welcomes some positive developments in that direction, such as the recent measures allowing a few United States companies to supply medicines and foodstuffs to Cuba on humanitarian grounds. That is indeed a positive step in the right direction. However, like the rest of the international community, Malaysia would like to see the early and complete removal of the embargo.

Malaysia once again reaffirms its commitment to respect for the fundamental principles of the sovereign equality of States, non-interference in the internal affairs of other States, and freedom of international trade and navigation. We urge the international community to continue its efforts to bring about an end to the unilateral economic, commercial and financial embargo against Cuba. In support of the principles of international law and the United Nations Charter, and in support of the promotion of freedom of trade, Malaysia, as it did in the case of similar draft resolutions in previous years, will vote in favour of draft resolution A/56/L.9.

Mr. Nejad Hosseinian (Islamic Republic of Iran): I wish at the outset to express my delegation's appreciation to the Secretary-General for the report (A/56/276 and Add.1) he has submitted to the General Assembly on this agenda item. It is a valuable compilation of the views of a wide range of Governments and of funds, programmes, organs and agencies of the United Nations system. As is indicated in the report, the focus of various replies by Member States is on the principles and purposes of the Charter of the United Nations, which constitute the heart of the whole matter.

The views of the Government of the Islamic Republic of Iran on the economic, commercial and financial embargo imposed by the United States against Cuba and on the need to end it are known to the Assembly and, for our immediate purpose, are included in the report under consideration. However, I would like to take the opportunity to underline the main thrust of our views and draw attention to the various aspects of this matter.

The economic, commercial and financial embargo imposed against Cuba contravenes all laws and principles governing international relations, the provisions of the United Nations Charter, as well as laws governing international trade and related conventions. All of us here at the General Assembly, irrespective of our difference, seem to agree as a matter of principle that the promotion of international cooperation and friendly relations among States and the strengthening of our commitment to the purposes and principles of the United Nations Charter and international law constitute the most basic and fundamental purpose of the creation of this world organization. We could also collectively agree that respect for the sovereign equality of States, non-interference in the internal affairs of other States, the peaceful settlement of disputes and other relevant norms governing international relations have been

among the major objectives of the United Nations and should be duly respected. Furthermore, more than ever before, the international community has come to the understanding that common efforts towards resolving tensions through peaceful dialogue and negotiations based on equity, mutual respect and the promotion of friendly relations among States at both the regional and global levels is imperative for the maintenance of peace and security and the achievement of development. The final outcome of the Millennium Summit should serve as a vivid reminder to all of us in this regard.

Within the overall global framework geared to promote of an international environment conducive to strengthening constructive dialogue and genuine cooperation and partnership, the recourse to unilateral, coercive economic measures represents an anomaly and hence is unacceptable. The principles and norms of international law that proscribe such practices are many indeed, including, inter alia, those in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Universal Declaration on the Eradication of Hunger and Malnutrition, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States.

It is also a matter of disappointment and concern that such practices and measures have not only not alleviated with time, but have instead been on the rise. There is little disagreement in the international community that such policies and measures constitute major impediments to the free flow of trade and finance, limit the access of countries to the necessary means of development, in particular, to financial resources, and thus hamper the achievement of economic cooperation and development at various levels, especially at the subregional and regional levels. Therefore, in order to address such a negative impact, it is incumbent upon all countries to refrain from recourse to such measures and actions. Moreover, it is imperative that the international community should reject the promulgation and application of unilateral actions, laws and regulations whose extraterritorial impact adversely affect the sovereignty and economic, commercial and financial interests of other States, as well as the legitimate interests of entities or persons under their jurisdiction. Over and above their negative impact on economic cooperation and development, such measures and actions also adversely affect the social and humanitarian activities of the targeted country and consequently hinder the full realization of the human rights of the targeted people.

As you are fully aware, in almost all United Nations resolutions and decisions on financial and commercial issues and related final declarations and conclusions of the high-level meetings of the entire United Nations system, the critical need for an equitable, secure, non-discriminatory international economic system and of a predictable multilateral trading system has been emphasized. The necessity of a favourable and conducive international economic and financial environment and a positive investment climate, which facilitate the meaningful integration and interaction of the developing countries in international trade and financial systems, has also been adopted by consensus by this very Assembly, as well as by other relevant multilateral and international organizations, year after year. These collective decisions and pronouncements have, among others, also requested all countries to abolish all measures that could impede free international trade and financial transactions. In a number of high-level meetings within the United Nations, Member States have reaffirmed and renewed their commitments to uphold and strengthen the multilateral trading system for the economic and social advancement of all countries and peoples.

While referring to these important issues, I would like as well to draw the attention of this body to another agreed cardinal principle governing the relations among States as constituents of the international community. We all have to respect the principle that it is the undeniable right of every State to choose its political, economic, social and cultural system, without interference in any form by another State. Since the ultimate objective of recourse to unilateral coercive measures in all its forms is to create political and economic difficulty and instability in the targeted countries, the Islamic Republic of Iran, like almost all other members of the international community, advocates the complete removal and elimination of economic and trade embargo imposed against Cuba and believes that the differences between States should be settled through peaceful measures.

While highlighting the various adverse impacts of any economic embargo and recognizing the economic, social and financial difficulties and challenges the Cuban nation has been facing as a result of this embargo, my delegation, like other members of the Group of 77, believes that the economic embargo serves no other purpose than to preserve tension between the two neighbouring countries and to continue the suffering of the Cuban nation. It would like to extend its support, once again, to any step that the General Assembly may wish to take to resolve the issue under consideration through peaceful means and on the basis of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. Therefore, my delegation will vote in favour of the draft resolution on this agenda item.

Ms. Ndhlovu (South Africa): We are today once again addressing item 34, "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". We are here to reaffirm our conviction in a better world for all — a world in which nations can peacefully coexist and the international laws that guide all civilized States are observed.

The international community has repeatedly and consistently called for the lifting of this embargo. We agree that it is the right thing to do. For more than 40 years, the people of Cuba have suffered from this relentless and unilateral embargo. The tragedy of this embargo is that it continues to cause untold suffering for the people of Cuba. The daily lives of men, women and children in Cuba have been seriously affected by policies beyond their control. It is no wonder, therefore, that the overwhelming majority of Member States are here to rally in support of the draft resolution before us, and we are here to echo that voice of reason.

At the thirteenth Ministerial Conference of the Non-Aligned Movement, held in Cartagena in April last year, a call was made to the Government of the United States

> "to put an end to the economic, commercial and financial embargo against Cuba, which, in addition to being unilateral and contrary to the United Nations Charter and international law, and to the principle of neighbourliness, is causing huge material losses and economic damage to the people of Cuba."

The Ministers further expressed their

> "deep concern over the widening of the extra-territorial nature of the embargo against Cuba and over continuous new legislative measures geared to intensifying it."

These sentiments were echoed at the Meeting of Ministers of Foreign Affairs and Heads of Delegation of the Non-Aligned Movement, which recently took place here in New York on 14 November 2001. In their communiqué, the Ministers condemned

> "the continued application by certain countries of extra-territorial measures and legislation and their imposition of unilateral coercive economic measures against certain developing countries, with a view to preventing these countries from exercising their right to determine, with their total free will, their own political, economic and social system. We call on all States not to recognize the unilateral extra-territorial laws ... since these measures and legislation threaten the sovereignty of States, adversely affect their social and economic development, and are contrary to international law, the principles and purposes of the United Nations charter, the norms and principles governing peaceful relations among States, and agreed principles of the multilateral trading system."

My delegation fully associates itself with the views expressed at the summit and at the Non-Aligned Movement Ministerial meeting. We call on all countries to reject the unilateral extra-territorial imposed against Cuba, because they stand in stark contrast to the international laws that guide all civilized States. The United Nations Charter is an embodiment of the vision, mission, principles and obligations by which all signatories to the Charter must abide. They specifically include the equality of all Member States and non-intervention and non-interference in the domestic affairs of other States. Freedom to trade internationally is an integral part of many international legal instruments.

South Africa views the continued imposition of an economic, commercial and financial embargo by the United States of America against the Republic of Cuba as a flagrant violation of the principle of the sovereign equality of States and of non-intervention and non-interference in the domestic affairs of Cuba. We are guided by these basic norms of international conduct in

our principled support for the need to eliminate coercive economic measures as a means of political and economic compulsion.

In line with previous United Nations resolutions on this item, among others, South Africa believes that constructive dialogue can foster mutual trust and understanding as well as engender harmony and peaceful coexistence between both nations. South Africa will once again support the draft resolution to be considered by the General Assembly under this item. This, we believe, is the least that we can do for the Cuban people.

Mr. Navarrete (Mexico) (*spoke in Spanish*): The principles of the Charter of the United Nations and of international law constitute the basis for relations between Mexico and other States, as laid down in my country's political Constitution.

It is with profound conviction and a sense of history that my country has consistently rejected the unilateral imposition of coercive measures in international relations. On many occasions we have expressed our rejection of any political or economic sanctions that are not imposed by the Security Council or the General Assembly.

We have also repeatedly expressed our rejection of the economic, commercial and financial blockade against Cuba and have supported all resolutions adopted by the General Assembly on the need to put an end to it.

Mexico is committed to the inalienable right of all States to choose their own economic system as well as their own political, social and cultural system, in accordance with the will of their peoples.

That is why my country has not promulgated or applied legal provisions of any extra-territorial scope. Before the promulgation of the so-called Helms-Burton law, the Government of Mexico had asserted that that instrument contravened the norms of international law. Our position was shared by the Inter-American Juridical Committee in its opinion dated 4 June 1996.

In order to eliminate the potential negative effects of the extra-territorial measures taken by other States on Mexico's external trade, my Government promulgated a law on the protection of trade and on the reversal of foreign laws that contravene international law.

We in Mexico maintain friendly and respectful relations with the Republic of Cuba. We have a non-discriminatory trade policy with regard to that country and reject any attempt to undermine the economic ties that link us.

The Government of Mexico has provided various forms of financial assistance to Cuba through the National Bank for Foreign Trade, and it is currently negotiating a financial instrument through which we hope to increase our bilateral commercial exchanges. Since 30 May 2001, both countries have been able to rely on an agreement for the reciprocal promotion and protection of investments.

The embargo against Cuba must end. Mexico deplores the negative effects which the economic, commercial and financial blockade has had on the Cuban people. Over the past nine years, an overwhelming majority of members of the General Assembly have called upon Member States to refrain from passing and applying extraterritorial laws and measures. Today, it will do so for the tenth time. In accordance with our unalterable position of principle, the delegation of Mexico will vote in favour of the draft resolution in document A/56/L.9.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): The General Assembly has for the past nine years considered the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba." This is the tenth year that this item has been included on the agenda of the General Assembly, and international support for an end to the embargo against Cuba continues to increase. The Syrian Arab Republic had hoped that by now the circumstances that gave rise to the inclusion of this item on the agenda would have changed and that the embargo imposed by the United States against Cuba would no longer be in place. The purposes and principles of the United Nations Charter clearly reaffirm the right of peoples to exercise sovereignty over their own territory and the duty to refrain from intervening in the internal affairs of other States. We expect all Members of the United Nations, particularly the great Powers, to respect the United Nations Charter, which is the constitution of this Organization — its alpha and omega. Indeed, respect for the Charter is the cornerstone of this international Organization and its international activities. The unilateral application of coercive extraterritorial economic and commercial measures against a single

Member State therefore represents an infringement of the liberty of that State and contravenes the Charter and the rules governing economic relations between nations.

Cuba has suffered many ill-effects — economic, social and political — since the imposition of the embargo about four decades ago, which has hit children, the elderly and other vulnerable sectors of society particularly hard. The embargo has also affected the tireless efforts made by the Cuban people to achieve progress and prosperity. The international community is growing increasingly concerned about the suffering of the Cuban people; it is time to put an end to this problem.

My delegation appreciates the fact that Cuba has expressed its willingness to engage in dialogue in order to put an end to the embargo. Dialogue must take place if the dispute between the two parties is to be resolved on the basis of mutual respect for the sovereignty and rights of the States concerned. States must not intervene in the internal affairs of other States, in accordance with the principles and purposes of the Charter and the principles of good-neighbourliness. My delegation believes that the normalization of relations between the United States and Cuba is in the interests of both countries.

We reaffirm the right of all people to choose their own political, economic, social and cultural system, in accordance with international law. The international community has expressed increasing support for ending the embargo imposed on Cuba. The economic, cultural and political choices of all States must be respected. In this regard, I would like to mention the ministerial declaration adopted at Cartagena, Colombia, by the States of the Non-Aligned Movement, which called for ending the embargo imposed on Cuba because it contravenes the provisions of the Charter and of international law and the principles of good-neighbourliness. I would also like to refer to the agreement concluded by the developing countries following the South Summit, held in Havana by the Group of 77 and China, which categorically rejected the imposition by any State of any measures or laws of an extraterritorial or coercive nature, whether economic or otherwise, on another State. The Summit reiterated the fact that such measures have a negative impact on development in the targeted countries, and an urgent appeal was issued by the developing countries to put an end to the embargo against Cuba.

The international community has repeatedly reaffirmed that the unilateral measures imposed against Cuba must be brought to an end. The embargo was further expanded by the adoption by the United States of the Helms-Burton Law, which also infringes on the sovereignty of States that have relations with Cuba, thus contravening the principle of the sovereign equality of States. Experience has shown that sanctions have often had negative effects on the civilian population and caused huge material and economic losses in the targeted States. That is why my delegation hopes that the embargo imposed on Cuba will be removed and that the United States will listen to the voice of the international community.

On the basis of these unshakeable principles, the Syrian Arab Republic will vote in favour of the draft resolution before the General Assembly in A/56/L.9, as we have done for the past nine years.

Mr. Kittikhoun (Lao People's Democratic Republic) (*spoke in French*): For too long now, an economic, financial and trade blockade has been imposed on the Republic of Cuba by the United States of America. To be sure, this benefits neither party; on the contrary, the blockade serves merely to maintain the existing tensions between those two countries and causes great suffering for the Cuban people.

The Lao People's Democratic Republic believes that discriminatory trade practices and the extraterritorial application of domestic laws contravene the principles and goals of the United Nations Charter and go against the spirit of cooperation and dialogue among States prevailing in this historical era. In accordance with General Assembly resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21 and 55/20, my country has neither promulgated nor applied laws, regulations or measures the extraterritorial effects of which could affect the sovereignty of other States and the freedom of trade and navigation.

Every country, in the light of its own specific conditions, has the right to choose its own social system and mode of development. No country has the right to interfere in the internal affairs of another. Moreover, the sovereign equality of States and the settlement of disputes by peaceful means — namely, dialogue and negotiation — are the principles that should govern international relations. On that basis, the international community should do everything in its power to create a propitious economic climate, offering

all countries, including the Republic of Cuba, equal opportunities to benefit from the international financial and trading systems.

The blockade of Cuba, as we are all aware, has gone on too long. It is time for it to end. We cannot punish a people, an entire people — the Cuban people, which has committed no crime. It is in that spirit that my delegation, as in previous years, will vote in favour of the draft resolution contained in document A/56/L.9, submitted by the Republic of Cuba.

The Acting President (*spoke in Spanish*): I call on the representative of Cuba to introduce draft resolution A/56/L.9.

Mr. Pérez Roque (Cuba) (*spoke in Spanish*): Some peculiar news has travelled around the world in recent days. For the first time ever in over 40 years, the Government of the United States has granted exceptional authorization for the sale to Cuba of certain quantities of food, medicines and raw materials for production. On this sole occasion, Cuba will be able to pay United States suppliers directly in United States dollars. Arrangements could not be made, however, for Cuban ships to transport the goods from United States ports. So intricate is the web of legal prohibitions derived from the blockade against Cuba that not even the combined goodwill of both Governments could overcome such an obstacle. Ships from the United States or third countries will handle the operation.

On 7 November, the Government of the United States expressed its deep grief and concern for the Cuban people over the extensive havoc wreaked by hurricane Michelle as it passed across Cuban territory and declared its willingness immediately to assess the need for assistance in order to provide potential humanitarian assistance. This unusual gesture was duly appreciated by Cuba. Nothing like this had ever happened before in over 40 years of tense relations between the two countries.

Cuba responded by requesting that, on this exceptional occasion, the Government of the United States allow Cuban State-run companies to expeditiously purchase from the United States certain quantities of food, medicines and raw materials for production in order to replenish the country's stocks as quickly as possible in preparation for any future natural disaster. Cuba also asked for authorization to pay for these goods in cash — in United States dollars or in any other hard currency — and to use Cuban ships to transport the goods, as this would be the most practical, rapid and cost-effective option for Cuba. These diplomatic exchanges, unlike many others in the past, were devoid of tension and characterized above all by a sense of respect and a spirit of cooperation.

This raises a question: Why were so many special negotiations required for something that constitutes a simple, common transaction for the rest of the world? Why were so many special formalities needed for Cuba to buy from the United States erythromycin for children, vitamin A, hydrocortisone, rice or powdered milk? How could such a meticulous and perfectly airtight system have been created over the years to prevent an entire people from acquiring essential foodstuffs and medicines, technology and spare parts, medical equipment and scientific information? Will anyone ever be able to explain — on the basis of ethics, international law and justice — the obsessive maintenance of the economic, financial and trade blockade imposed by the United States against Cuba for over four decades?

Yet now we have seen that Cuba has, on one occasion at least, been able to make a purchase from the United States. Does this signal the end of the blockade? No, it does not. This General Assembly must never make the mistake of interpreting this exception as the rule. Does it even mark the beginning of the end of the blockade? I could not say that for sure. Common sense is elusive at times for some politicians.

Would Cuba be willing to make new purchases under these conditions? It would be desirable, but it is practically impossible. As we have stated before, it is inconceivable for a country to buy items from the United States in the absence of normal trading relations and if it cannot sell its own goods and services there as well. It is only under these special and exceptional circumstances that we have been able to proceed in this way — with no reciprocal trade whatsoever, overcoming absurd obstacles and seeking alternatives to circumvent the countless laws and regulations that prohibit relations and trade between Cuba and the United States today. No normal trading relations between the two countries can be expected in the future unless the anachronistic United States blockade against Cuba is eliminated.

Does Cuba want an end to the blockade? Yes. The blockade is the main obstacle to Cuba's economic development today, and it is responsible for the

suffering and hardship of millions of Cubans. Does Cuba want the re-establishment of normal and mutually respectful relations with the United States? Yes, and it is ready to do so. It does not nurture futile hatreds or hopes of revenge. We are a noble people with a political culture, and we believe that millions of United States citizens and the majority of Cubans who live in the United States are also victims of the unjustifiable prohibitions of the blockade.

For the blockade to be lifted, is Cuba willing to make concessions that would affect its principles? No, a thousand times no. We know the price of independence; we have fought 130 years for it. We have already tasted the sweetness of freedom, and there is no power in the world that can make us relinquish it.

The lifting of the blockade and the end of the economic war against Cuba would require the Government of the United States to take the following decisions.

The first is to repeal the Helms-Burton Act, whose numerous aggressive measures against Cuba include heavy sanctions against people from third countries engaged in business with Cuba. We know some of these business people; they and their families have been denied visas to travel to the United States, but they have maintained their relations with Cuba with dignity.

The United States must also decide to repeal the Torricelli Act, whose measures include prohibiting ships of third countries that have called at a Cuban port from entering United States ports. The Act also prevents subsidiaries of United States companies based in third countries from selling goods to Cuba — companies from which, until 1992, our country purchased some $700 million a year in goods, particularly food and medicines.

The United States must eliminate the absurd prohibition by which goods it imports from any other country cannot contain any Cuban raw materials. Is it really justifiable to demand of a Japanese car manufacturer that, in order to export to the United States, he must certify that the steel used contains no Cuban nickel? Is it justifiable to demand of a Canadian caramel manufacturer that his products contain no Cuban sugar?

The United States must stop the relentless persecution that its embassies and agencies carry out around the world today against any potential business with Cuba, and against any attempt by Cuba to enter a new market or receive credit.

The United States must grant Cuba access to the American and international financial system. If Cuba had gained access to the $53 billion that international and regional financial institutions lent to Latin America and the Caribbean between 1997 and 2000, it would have received loans amounting to roughly $1.2 billion, under conditions incomparably more favourable than those it can currently obtain.

The United States must allow Cuba to use the American dollar in its external transactions, not only with United States companies but also with companies based in third countries — an action currently prohibited under the blockade regulations. As a result, Cuba is constantly forced to carry out currency exchange transactions, thereby losing money in the fluctuations of exchange rates.

The United States must allow Cuba to purchase freely, like any other country, in its market. This could amount to purchases of more than $1 billion a year if only one quarter of Cuba's current imports were to come from the United States, at better prices and considerable savings in freight and insurance costs and with greater ease of transportation.

The United States must allow Cuba to export freely, like any other country, to its market. This would not only benefit Cuba by giving it access to a new market, but would also give the people of the United States access to Cuban products — such as our famous cigars or the vaccine against meningococcal meningitis, which is the only one of its kind in the world.

The United States must allow its citizens to travel freely to Cuba as tourists. This would allow Cuba to receive no fewer than a million and a half visitors, who in turn would have an opportunity to travel to one of the safest and most hospitable countries in the world.

The United States must return the Cuban assets frozen in American banks, a part of which has already been arbitrarily stolen.

The United States must authorize its companies to invest in Cuba, where they would receive non-discriminatory treatment in relation to other foreign investors, with all the guarantees established by Cuban legislation.

The United States must establish regulations for the protection of Cuban trademarks and patents in the United States, pursuant to international legislation on intellectual property rights. When this happens, there will be no repetition of dishonest acts such as the theft of the Cuban rum brand Havana Club by a United States company.

The United States must eliminate the discriminatory measures currently preventing Cubans living in the United States from travelling freely to Cuba and helping financially their relatives on the island. Cubans are the only immigrant community in the United States subjected to these measures.

The last one is to negotiate with Cuba a fair and honourable arrangement to provide compensation for the nearly 6,000 United States companies and citizens whose properties were nationalized in the first years of the revolution, as part of a sovereign step that is essential for the country's socio-economic development. It was, in fact, the blockade that prevented United States citizens from receiving the relevant compensation. Cuba recognizes their rights, and it would be willing to reach an agreement that would also take into account the extremely burdensome economic and human hardships inflicted on our country by the blockade.

An end to the policy of aggression against Cuba, relentlessly and rigorously implemented by 10 successive United States Administrations over the course of more than four decades, and the establishment of normal relations between our two countries would require the Government of the United States to adopt the following decisions.

The first is to annul the Cuban Adjustment Act, which is responsible for the deaths of thousands of illegal emigrants, including children. The latest tragedy took place last week. An aliens-smuggling operation ended in the shipwreck of a boat that had set out from Miami and had illegally picked up a group of illegal emigrants off the Cuban coast, taking a tragic toll of more than 30 deaths, including many children. At a time like this, when the United States is stepping up the protection of its borders, its refusal to help regulate the migratory traffic between our two countries would be a puzzling contradiction. Cuba proposed to the United States a substantial expansion of the migration agreement currently in force and is awaiting a response.

The second decision is to cooperate with Cuba in the fight against drug-trafficking. Today there is very limited cooperation in this area. Cuba proposed a substantial increase in this cooperation, including the signing of an anti-drug agreement, and is awaiting a response from the United States.

The third decision is to end the illegal television and radio broadcasts to Cuba. How can it ever be justified for the Government of the United States to have devoted almost $400 million to this subversive programme in order to pander to the extremist minority in Miami that is profiting from this funding, instead of spending that money, for example, on computers for public schools in that country's poor neighbourhoods?

The fourth decision is to end the arbitrary inclusion of Cuba on the United States State Department's list of States that sponsor terrorism. This is an outrage to the Cuban people, who have, as everyone knows, been the victims of countless terrorist acts organized and financed with total impunity from United States territory.

The fifth decision is to end the attempts to foment subversion within Cuba, even involving the use of large sums of money from the United States federal budget, to end the campaigns of slander and pressure waged against our country in international agencies and to end the impunity enjoyed by terrorist groups that have carried out acts against Cuba from Miami.

The last decision is to abandon the continued occupation, against the sovereign will of the Cuban people, of the territory occupied by the Guantánamo Naval Base. Although today there are relations of respect and cooperation between the United Nations and Cuban military there, perhaps even foreshadowing the potential for future official relations between our two countries, and although it seems that the years when young Cubans were murdered from the base are now behind us, Cuba has not renounced the goal of someday regaining its sovereignty over that territory through political and peaceful means. If this were to happen, it would mark the end of a bitter chapter in the relations between Cuba and the United States.

The blockade imposed by the United States against Cuba must be lifted. The resolutions consistently adopted by this Assembly since 1992 cannot continue to be ignored.

The blockade is illegal. It violates the Charter of the United Nations. It affects international trade and the freedom of navigation. It imposes sanctions on businesspeople from third countries, which is blatant extraterritorial conduct.

The blockade has neither ethical nor legal justification. It violates the Geneva Conventions. It deprives the Cuban people of access to food and medicine, which is prohibited by international law even in times of war.

The blockade does not enjoy majority support in the United States. In the Senate and the House of Representatives there is obvious consensus in favour of changing this policy. The media, the churches, the business sector and average citizens have increasingly come to question why a country that does not pose any threat to the United States and does not consider itself an enemy of its people is nonetheless treated like an enemy.

The blockade violates the rights of the people of the United States in order to serve the base interests of an unscrupulous minority that has not even hesitated to use violence and terrorism against the Cuban people.

The blockade violates the rights of Cubans who live in the United States. It prevents them from maintaining normal relations with their families in Cuba.

The blockade has caused economic damage to Cuba of over $70 billion, in addition to even higher sums resulting from the human injuries and economic damage inflicted on our people throughout more than 40 years of armed aggression, sabotage and terrorism, for which our country has justly demanded compensation.

The blockade is rejected by the international community. Last year, for the ninth consecutive time, this Assembly called for the lifting of the blockade against Cuba, with 167 votes in favour of the relevant resolution.

The blockade is the gravest violation of the human rights of the Cuban people.

The blockade is maintained for reasons of United States domestic policy. It is said that the minority demanding the continuation of the blockade has electoral influence and uses its money and votes to fight any changes. It is said that this is the way politics works in the United States and that the rules simply have to be accepted. I ask: can these reasons really be used to justify the attempt to force an entire people into surrender through hunger and disease?

Those who interpret these words as a lamentation are mistaken. Those who confuse our lack of hatred with weakness are mistaken. Those who believe that the people of Cuba can be forced into surrender are mistaken. Those who think that we Cubans are willing to give up our independence and our freedom are mistaken. Those who hope that we Cubans will give up the social justice we have achieved are mistaken.

In the name of the Cuban people, in the name of international law, in the name of reason and in the name of justice, I ask the General Assembly to express its support once again for the effective ending of the economic, commercial and financial blockade imposed by the United States against Cuba.

Mr. Shen Guofang (China) *(spoke in Chinese)*: For nine years running, the General Assembly has adopted resolutions calling upon States to abide by the United Nations Charter and norms of international law and urging them to refrain from imposing laws and measures that are detrimental to the legitimate rights and interests of third parties. Regrettably, this just appeal of the international community has not been heeded and relevant resolutions of the General Assembly remain to be implemented.

The economic, commercial and financial embargo imposed by the United States against Cuba has continued for several decades. It has served no purpose except to keep the relations between the two neighbours extremely tense. The blockade has created huge difficulties for the Cuban people in their efforts to achieve economic and social development and carry out reform; it has seriously undermined the efforts of the Cuban Government to eliminate poverty and improve the living standards of its people; it has inflicted enormous suffering on Cuban women and children in particular, which constitutes a violation of their human rights. The unilateral actions of the United States have also impeded normal economic and trade exchanges between Cuba and many countries and have gravely encroached upon their legitimate rights and interests. It is time that this phenomenon was brought to an immediate end.

The Chinese Government has always advocated full respect for sovereign equality, non-interference in

the internal affairs of other countries and other norms of international relations. All countries have the right to choose their own social system and development model in the light of their national situation, without any interference from any other country. It is a violation of the purposes and principles of the United Nations Charter, as well as the norms of international relations, to force a country to give up the development model of its own choice or even attempt to overturn its Government by imposing a unilateral economic, commercial and financial embargo under any pretext.

Judging by the response of many countries to the Secretary-General, as well as their relevant statements, the international community as a whole harbours a strong desire for a certain country to forsake its outdated practice of economic embargo, to choose an approach of engagement and dialogue over isolation and confrontation and to resolve disputes between States through constructive dialogue and negotiation.

It is our hope that, in order to end the suffering of the Cuban people at an early date and to remove any hindrance to normal economic and trade exchanges between Cuba and other countries, the United States Government will follow the tide of history by taking constructive steps to implement the relevant United Nations resolutions and completely lift its economic, commercial and financial embargo against Cuba.

We support draft resolution A/56/L.9, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", submitted by Cuba under this agenda item.

Mr. Alcalay (Venezuela) *(spoke in Spanish)*: Consistently and repeatedly, both bilaterally and in international forums, and at the United Nations in particular, Venezuela has continued to express its repudiation of the passage and application of laws with extraterritorial effects that infringe the sovereignty of States. Once again, we note with concern the continued application of punitive measures, in contravention of the principles of international law and the norms of peaceful coexistence among nations.

My delegation supports the consideration of this item by the General Assembly; it is of particular importance because of the negative effects that such measures have on States, politically, economically and in terms of international law. The application of unilateral measures such as those imposed on the people of Cuba since 1996 is a clear contradiction of the realities of our times, when free access to markets and consolidation of the processes of integration are the fundamental elements of the globalization that drives the world economy. In this context, the delegation of Venezuela reaffirms its repudiation of the application of these unilateral measures, because they infringe the sovereignty of States, affect the legitimate interests of entities and citizens under the jurisdiction of third parties, have a negative impact on the freedom of trade and navigation and undermine the norms of trade established by the World Trade Organization.

The Venezuelan delegation endorses the relevant declarations adopted by the Organization of American States, the Rio Group, the Non-Aligned Movement, the Group of 15 and the Group of 77, and, most recently, just a few days ago, the Lima Declaration adopted at the Eleventh Ibero-American Summit of Heads of State and Government, held on 23 and 24 November in Peru. At the meeting the heads of State and Government agreed to state,

> "We reiterate our energetic repudiation of any application by a State of national measures that infringe international law and constitute an attempt to impose its own laws and regulations on third countries. In this regard, we call on the Government of the United States of America to put an end to the application of the Helms-Burton Act, in accordance with the relevant resolutions of the United Nations General Assembly".

The Venezuelan delegation believes that the economic, commercial and financial blockade imposed on the Republic of Cuba runs counter to international law, the principle of self-determination and the legitimate aspirations of peoples to achieve full human development and well-being.

My country hopes for an end to the blockade imposed on the Cuban people, who are suffering the consequences of the application of measures such as the ones I have described, which are outside the framework of international legality. We think that through dialogue and cooperation, efforts can be made to promote fundamental freedoms and democracy on the basis of mutual respect, confidence and independence.

The decision adopted by the United States and Cuba, which was just explained to us a few moments ago by the Minister for Foreign Affairs of Cuba, point

out a way that we hope will provide an effective end to the blockade. In that regard, I would like to express our hope that this can be achieved, thereby putting a complete end to the blockade, as we heard the Cuban Foreign Minister say at today's meeting. As it has done in the past, until the blockade is lifted my delegation will, in accordance with the criteria that have been established, continue to vote in favour of the draft resolution now before the General Assembly.

Finally, I would also like to express my gratitude for the report on this item presented to us by the Secretary-General in document A/56/276 and Add.1.

Mr. Amer (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the Assembly's previous session, the international community reaffirmed for the ninth time its categorical rejection of the economic, commercial and financial embargo imposed by the United States of America against Cuba. A cause of deep regret and grave concern is the fact that successive American Administrations have not reversed their stand, something that even America's main allies and trade partners have objected to. In fact, some American Administrations have even adopted additional measures to tighten the embargo and widen its scope by enacting a series of coercive laws and by pressuring entrepreneurs, companies and Governments in the Third World to end their economic and trade ties with the State of Cuba.

That behaviour, which followed the Assembly's adoption by overwhelming majorities of nine resolutions, cannot be interpreted as anything else but deliberate and derisive disregard by the United States for the will of the international community and for the position adopted by many international organizations. It is also proof that Washington is intent on imposing codes of conduct that some countries must follow and on defining the kind of relations some countries must have with other countries.

As outlined in previous reports and in the report submitted to the General Assembly at this session in document A/56/276, the harsh blockade that has been imposed by the United States against Cuba for over 40 years has caused extensive harm to the Cuban people. The blockade has created difficulties and curtailed the ability of the Cuban Government to import foodstuffs, medical equipment and medicines for its citizens. This has had dire consequences for most segments of the Cuban population, including the most vulnerable among them, children and elderly persons.

The embargo is a gross violation of human rights. It also provides incontrovertible evidence refuting American allegations that the United States respects international agreements and laws regulating relations and free trade among States. It also highlights the American approach to laying siege to peoples by, inter alia, threatening to punish third States and their partners as well as individuals in order to prevent them from dealing with countries it has targeted with its sanctions, in total contravention of international instruments and norms.

The American embargo against Cuba is not the only such case. The United States is currently imposing similar sanctions against many countries, including my country. Since 1982, the United States has unilaterally imposed different sanctions regimes on American companies, preventing them from dealing with Libya. It has also denied Libyan students the right to study in American universities, and frozen Libyan funds held in American banks, both within and outside the United States.

The American authorities expanded their siege on Cuba through the Helms-Burton Act. Similarly, in 1996 the Congress adopted the D'Amato-Kennedy Act, which punishes individuals and companies that invest money in Libya to help it develop its oil exploitation capabilities. What is worse is that a few months ago the American authorities extended that law for five more years, in total disregard of the international will expressed in resolutions adopted by the General Assembly, most recently by an overwhelming majority at the previous session.

The American authorities have tried to justify their embargo against Cuba. But obviously all such justifications have proven to be futile. What is certain is that the United States siege is a flagrant act of interference in the domestic affairs of the Cuban people and a deliberate act to force on the Cuban people policies that are not in line with their beliefs and choices. That is not different from Washington's excuses for maintaining its coercive measures against my country, excuses asserting that Libyan behaviour poses a threat to American national security. One can easily see the triviality of American allegations about Libya's danger to its national security: they are false. To put it simply, such allegations are a ready-made

excuse that can be used by the United States against any people that it considers as an enemy — including the Cuban people, who have chosen to live in freedom in their land, drawing pride from their history, defending their dignity and remaining firm in their convictions, even if they run counter to the policies of their powerful neighbour.

Like all other peoples of the world, the people of Cuba would like to live in peace and to have good relations with all of Cuba's neighbours, on the basis of full equality and mutual respect. Although there is no sign of a genuine retreat by the United States from its policy of enmity towards Cuba, it is nevertheless our hope that reason will prevail over unbridled power. We also hope that a new chapter of relations between the United States and Cuba will be opened, in order to ensure harmony and peaceful co-existence. The ball is indeed in the United States court. Either it starts to engage itself in a constructive dialogue with Cuba that would end the policy of confrontation and exclusion — which would be welcomed by all countries — or it continues its current policies of embargo and confrontation to undermine the political stability of Cuba and to impede Cuba's efforts towards economic and social development. That would mean that the United States will continue to be a target of complaints and condemnation on the part of the international community. The international community believes that the current policy embodies the principle of might is right and is contrary to the purposes and principles of the United Nations Charter, the norms of international law, the Charter of Economic Rights and Duties of States and all efforts to establish a world in which constructive cooperation and mutual respect prevail.

Mr. Swe (Myanmar): For almost a decade, the General Assembly has urged Member States to refrain from promulgating and applying laws with extraterritorial effects. It has also urged those members that have applied, and continue to apply, those laws to repeal or invalidate them. However, to our regret, those appeals — which have been supported by an overwhelming numbers of Member States — have been to no avail. As a result, the people of the Republic of Cuba, particularly the most vulnerable sectors of its population, continue to suffer the dire consequences of the economic and financial embargo. Today we add our voice to those who have spoken before us to appeal once again to the United States to rethink and to abolish a policy that is at variance with the will of the international community.

The Millennium Summit called on us to resolve disputes by peaceful means and in conformity with the principles of justice and international law.

The Foreign Ministers of the non-aligned countries, who met at the United Nations some two weeks ago, expressed their opposition to the application of measures and legislation with extraterritorial effects and the imposition of unilateral coercive measures against a number of developing countries.

The continued imposition of an economic, commercial and financial embargo by the United States of America against the Republic of Cuba is in contravention of the principles of international law, respect for the sovereign equality of States and freedom to engage in international trade and navigation. We therefore strongly oppose such measures as the Torricelli Act, the Helms-Burton Act and other embargo regulations. Furthermore, the continued application of the policy now being pursued, although it has been implemented for more than four decades, has not served the interests of either country. For these reasons, the appeal of the international community to lift the embargo against Cuba should not be ignored any longer.

Consistent with its long-standing position and in accordance with international law and the Charter of the United Nations, the delegation of Myanmar will vote in favour of draft resolution A/56/L.9.

Mr. Daka (Zambia): Allow me to commend you, Sir, for the able manner in which you are conducting this debate.

My delegation has noted with appreciation the report of the Secretary-General entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" (A/56/276), which has provided us with a clear and objective analysis of the negative impact on the ordinary Cuban people arising from the economic embargo. The Secretary-General's report vindicates the position consistently held by this Assembly over the years, namely, that the embargo against Cuba hurts innocent people, particularly women and children. The Cuban people have become more determined than ever before to stand together in defence of the principles of

self-determination, sovereignty and national independence, for which they have sacrificed themselves so dearly.

On the basis of the information compiled by the Secretary-General in his latest report, my delegation will once again vote in favour of the draft resolution on this subject, contained in document A/56/L.9. Our vote is based on my Government's firm belief in the sanctity of the Charter of the United Nations, which binds all 189 Member States. In opposition to this position, as vindicated by the Secretary-General's report, measures such as those contained in the Helms-Burton Act violate international law, in particular international humanitarian law. My Government has been and is committed to strengthening universal respect for international law in the conduct of all forms of relations among sovereign States.

My Government is concerned that the continued embargo against Cuba has a direct negative impact on the principle of free trade and navigation that has been espoused by this Assembly over the years. The United Nations, in this regard, should begin to explore ways in which to assist the Cuban authorities in overcoming the legacies of the 42-year-old embargo. Lifting the embargo would go a long way towards strengthening regional trade and navigation.

In conclusion, my delegation wishes to appeal to all Member States of the United Nations to support this call for the immediate lifting of the sanctions against Cuba.

Mr. Aldouri (Iraq) (*spoke in Arabic*): The fraternal people of Cuba have been suffering for over 40 years from the blockade imposed on them by the United States. This blockade has caused immense suffering for the civilian population and has damaged the Cuban economy. The 1996 Helms-Burton Act has also had significant extraterritorial effects, infringing on the sovereignty of other States and on their right to free trade with Cuba. This is in flagrant violation of the principles enshrined in the Charter, international law and the norms of international commercial relations.

It is high time the international community adopted measures to protect the sovereignty of all its Member States and their right to self-determination, condemned arbitrariness and the systematic violation of international law and guaranteed respect for the will and choices of States, whatever their size, importance, level of economic development or political regime.

Iraq condemns the policy of the United States which scorns the will of the international community as recently expressed in resolution 55/20, which was adopted with 167 votes in favour, and was opposed only by the Marshall Islands, the United States and the Zionist entity.

The United States embargo against Cuba is not a unique case in its relations with countries of the third world, which have been marked more and more by arbitrariness since the end of the cold war. The United States is applying economic sanctions against a large number of countries, especially developing countries.

It is the only country that insists on continuing the sanctions against Iraq, even though my country has complied with its international obligations. These sanctions are a prolongation of the military aggression against Iraq, without the use of the military machine. They have caused the deaths of 1.5 million Iraqis, most of whom are children. This is genocide and a crime against humanity, for which the United States alone is responsible.

United States leaders claim that lifting the embargo against Cuba requires a change of regime in that country. They say the same with regard to Iraq. Using economic sanctions to change the target country's political regime or economic system undermines the very basis of international relations and takes us back to the days of the law of the jungle. We call upon the international community to urge the United States to cease using economic sanctions for political purposes and to rescind those sanctions irrespective of the conditions that had caused them to be imposed. Those sanctions are in violation of international law and the rules of justice and equity. We call upon the United States to change its behaviour and to conform to the will of the international community, end its sanctions against peoples and begin to engage in dialogue and cooperation in conformity with the provisions of the Charter and of international law. That means an end to the embargo against Cuba in all its forms. We believe that the General Assembly will adopt the draft resolution before it.

Mr. Lewis (Antigua and Barbuda): I have the honour to speak on behalf of the States members of the Caribbean Community (CARICOM). Those States are the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname

Trinidad and Tobago and my own country, Antigua and Barbuda, which are Members of the United Nations.

We join with those other Member States which have expressed the need to bring to an end the economic, commercial and financial embargo imposed by the United States of America against Cuba. CARICOM States wish to reaffirm the importance they attach to the strict observance of the principles of international law and to freedom of trade and navigation. We remain opposed to the extraterritorial application of national legislation which would seek to impose artificial barriers to trade and which denies the sovereign equality of States.

In keeping with a policy of mutual respect, good neighbourliness and respect for the principles enshrined in the Charter of the United Nations, CARICOM countries have sought to expand and strengthen their relations with Cuba and have sought to promote Cuba's gradual economic integration into the subregion through functional cooperation and trade. We believe that a constructive process of dialogue would remove the dangers of tension and conflict in the Caribbean and would improve the prospects for peaceful development in our region.

Accordingly, we support the content of the draft resolution before the Assembly in document A/56/L.9 and will vote in favour of its adoption.

Mr. Nguyen Thanh Chau (Viet Nam): I am not going to tell the story of my life. But I had the opportunity to go to Cuba in 1986, and last year again I accompanied my President to Havana for the South Summit. On those two visits, 15 years apart, I was amazed by what I witnessed on that tiny island. The streets of beautiful and bustling Havana were filled with laughter day and night, as people old and young danced to the music from very old radios. Children in school uniforms went to school looking very happy. Tourists came from Latin American countries and from Europe to enjoy the Caribbean hospitality and ambience. Successful joint-venture projects between Cuba, French, Spain, Germany and other countries were visible in many parts of Cuba. I could not believe that Cuba had been under an economic, commercial and financial embargo for more than four decades, an embargo which should go into the *Guinness Book of Records* as the longest one in recent history. Three generations of Cubans have been born in that span of time, and they have grown used to the hardship brought about by the embargo imposed on them. They have grown used to making do with second best for daily necessities. But one thing always has to be the best: their patriotism. We all admire those people for the great achievements they have made and for what they have contributed to the international community.

There are things which are to be judged by history. But this embargo can be judged by us, the ordinary people, as being too long and as being counter-productive on both ends. It runs counter to the Charter of the United Nations and to the principles and norms of international law that govern international relations because its aim is to force people, through hunger and disease, to abandon a course of development of their own choice. It only makes innocent people, including women and children, suffer — and suffer enormously. That is why people have unanimously voiced their condemnation of sanctions and embargoes and have demanded that these should be lifted so as to allow the Cuban people to concentrate all their energy on the reconstruction of their country for a much better life.

That is why the General Assembly has, for the past nine years, by an overwhelming majority, continuously voted in favour of draft resolutions calling for an end to the economic, commercial and financial embargo against the Cuban people, hoping against hope that common sense, reason, justice and morality would be heeded. As it has on past draft resolutions on this item, the delegation of Viet Nam will vote in favour of draft resolution A/56/L.9, on ending the embargo — something which is overdue.

Mr. Ling (Belarus) (*spoke in Russian*): In the course of the fifty-fifth session of the General Assembly, the Republic of Belarus, along with the overwhelming majority of other States, voted in favour of resolution 55/20, on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

The discussion of this question at the fifty-sixth session gives us once again an opportunity to confirm our commitment to respect for the fundamental principles of the sovereign equality of States, non-intervention in their internal affairs and freedom of international trade and navigation. Belarus has consistently favoured the abolition of laws and measures adopted unilaterally against Member States, laws whose extraterritorial consequences affect the

sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and freedom of trade and navigation.

In accordance with the fundamental principles of international law, including the provisions of the United Nations Charter, the Republic of Belarus has never used and has no intention of ever using any laws or measures of the kind I have mentioned.

Belarus believes that international disputes must be resolved solely by means of negotiations and on the basis of respect for the principles of equality and mutual benefit. The Government of my country is convinced that every possibility exists — as well as the fundamental conditions — for the gradual resolution of the dispute between the United States of America and Cuba, and it calls on both parties to step up their efforts to this end.

My delegation would like to express its genuine condolences and solidarity to the friendly people of Cuba in connection with the devastating effects of hurricane Mitchell, which caused such suffering to the people of Cuba and considerable losses to various sectors of the economy. Natural catastrophes like hurricane Mitchell require special solidarity on the part of the international community.

In this regard, it is obvious that unilateral measures of economic and political coercion cannot possibly have a place in the context of humane behaviour and mutual assistance, which should underlie contemporary international relations.

On the basis of the foregoing, Belarus supports, and calls upon other Members of the United Nations to support, the draft resolution submitted for the consideration of the General Assembly at this meeting.

Mr. Uanivi (Namibia): The common view, reflected in the report of the Secretary-General on the unilateral economic, financial and commercial embargo against Cuba, is that the embargo must be lifted. The Charter of the United Nations is also clear with respect to the sovereignty of all States, big and small.

The people of Cuba have endured hardship and suffering for many years because of the extraterritorial measures imposed on Cuba by the United States — a blockade which is not only in flagrant violation of international law but also a serious form of interference in the internal affairs of the Republic of Cuba. On many occasions, the Namibian Government has expressed its support for the people of Cuba in opposing the embargo. Once again, my delegation will vote in favour of the draft resolution on this subject, submitted by Cuba, in document A/56/L.9.

The Acting President (spoke in Spanish): We have heard the last speaker on the debate on agenda item 34.

We shall now proceed to consider draft resolution A/56/L.9.

I shall now call on those representatives who wish to explain their votes or positions before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. De Loecker (Belgium) (*spoke in French*): I have the honour to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus and Malta, as well as Iceland, a European Free Trade Association country member of the European Economic Area, align themselves with this explanation of vote.

The European Union believes that United States trade policy towards Cuba is essentially a bilateral issue. Nonetheless, the European Union has repeatedly and clearly voiced its opposition to the extraterritorial nature of the embargo the United States decreed in the 1992 Cuban Democracy Act and the 1996 Helms-Burton Act. The European Union cannot accept the United States attempting to define or restrict unilaterally the economic and commercial relations that the Union maintains with third countries. From this viewpoint, in 1996 the Council of Ministers of the European Union adopted a Council regulation and a joint action aimed at protecting the interests of natural or legal persons that are nationals of the European Union against the extraterritorial effects of the Helms-Burton Act.

In this same context, in 1998 the European Union and the United States of America adopted a series of measures that included derogations from titles III and IV of the Helms-Burton Act, the United States Government's commitment to adopt no further extraterritorial legislation of this kind and an agreement providing for greatly increased investment

protection. Once again, the European Union notes with regret that the United States Government has not acted in accordance with its own commitments. We call upon the United States Government to do so, as we consider this a key point in resolving this difference.

I should also like to reaffirm that the European Union's major objective in its relations with Cuba, as described in its Common Position of 1996, is to encourage the process of progressive and peaceful transition towards a pluralist democracy and respect for human rights and fundamental freedoms, as well as towards economic recovery. In this respect, although the socio-economic situation remains precarious, the Union has noted signs of improvement in the standard of living of the population. Nonetheless, the European Union continues to be concerned by the political situation in Cuba. It therefore expresses the hope for substantial and lasting improvements in the situation, particularly with regard to respect for human rights, even if some early, tenuous signs of improvement have been observed.

The European Union once again stresses the responsibility of the Cuban authorities on the subject of human rights, such as civil and political rights. We encourage them to free all prisoners of conscience and to integrate them fully into society. We unreservedly condemn the violations of human rights that continue to take place in Cuba. We appeal the Cuban authorities to cooperate fully with international human rights bodies and mechanisms.

The European Union encourages Cuba to continue to be active in various international and regional forums. The Union acknowledges that measures have been taken by the Cuban Government to improve the country's economic integration into the region. The Union considers that the gradual and irreversible opening of the Cuban economy to the outside world continues to be necessary, and it reaffirms its desire to be Cuba's partner in that process.

The European Union notes with concern the observations made in the field by United Nations agencies and programmes and deplores the negative consequences of the economic, commercial and financial embargo imposed by the United States of America against the Cuban people.

The Union wants change in Cuba, but does not want to impose it by coercive measures. We are in favour of a constructive and frank dialogue on all issues of common interest. The forthcoming resumption of such a dialogue between the Union and the Cuban authorities is an encouraging sign.

For all of these reasons, the European Union will vote unanimously in favour of the draft resolution before us today.

Mr. Cunningham (United States of America): The United States opposes this draft resolution. Our trade embargo against the Government of Cuba is a matter of bilateral trade policy and not an issue that the General Assembly should consider. We do not forbid other nations from trading with Cuba; that is their decision. We choose, because of the repressive policies and actions of the Cuban Government, not to trade with that Government. We have every right to do so.

Our bilateral economic trade embargo represents one element of our policy aimed at promoting democracy in Cuba. While maintaining the bilateral trade embargo, the United States has moved over the past few years to dramatically support the Cuban people. United States food sales are now legal to Cuba, and the Cuban Government is, as we speak, negotiating with United States companies the purchase of millions of dollars' worth of food. The Cuban Government reversed its policy of refusing to buy our food, after turning down our post-Hurricane Michelle offer of disaster assistance.

The United States has been extremely generous in providing humanitarian assistance to Cuba. Last year over $800 million in direct cash remittances and $350 million in humanitarian donations were passed from Americans to Cubans. This is a significant figure in a country with an estimated yearly gross domestic product of $12 billion.

The goal of our policy is to foster a transition to a democratic form of government to protect human rights, to help develop a civil society and to provide for the economic prosperity that the Cuban Government's retrograde economic policies are denying the Cuban people.

Cuba maintains that the human rights of the Cuban people — or rather, the lack thereof — are a concern for them alone. The United States strongly disagrees. Our fundamental premise, based on the Universal Declaration of Human Rights, is that human rights violations in any one State are of concern to the entire international community. This observation is

particularly relevant given the continued harassment of independent voices in Cuba and the continued imprisonment of people such as Felix Bonne and Elias Biscet, who were locked up simply for expressing their opposition to the regime.

The focus of the international community, as manifested in the United Nations, should be on the continuing human rights crisis in Cuba rather than on bilateral aspects of United States efforts to facilitate a peaceful transition to democracy on that island.

Cuba, long out of step with the trend of democratization in the world, illustrated by the recently adopted Inter-American Democratic Charter, has proved itself even more out of step with its recent hideous remarks on the United States reaction to the 11 September terrorist attacks. This country is an anachronism in the democratic Western hemisphere, a throwback to a crueler and less free time. The draft resolution distracts the attention of the international community and, worse, is used by the Cuban Government to justify its continued oppressive policies.

Mr. Hønningstad (Norway): The Norwegian Government believes that there is a clear distinction between unilateral measures and sanctions adopted by the international community through the United Nations. In our view, no country should impose its legislation on third countries.

Norway will therefore once again vote in favour of the draft resolution contained in document A/56/L.9.

This does not mean that Norway would not like to see changes in the attitude of the Cuban Government towards human rights. The embargo cannot justify limitations on civil and political rights in Cuba, such as freedom of expression and association.

Mr. Paolillo (Uruguay) (*spoke in Spanish*): I am speaking in explanation of vote on behalf of the member States of the Southern Common Market (MERCOSUR) — Argentina, Brazil, Paraguay and Uruguay — and the associated countries Bolivia and Chile.

As in previous years, the member States of MERCOSUR and the associated countries will vote in favour of the draft resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

In various communiqués issued by the Rio Group, the General Assembly of the Organization of American States, the Ibero-American Summit and the Latin American Economic System, the countries of Latin America have stated that the extra-territorial implementation of the domestic law of a State violates the principle of non-intervention in the internal affairs of other States and that, furthermore, the embargo against Cuba violates the provisions of the World Trade Organization (WTO) and affects in particular the civilian population of Cuba.

The implementation of unilateral coercive measures does not contribute to the promotion of a democratic system nor to respect for, or the safeguarding of, human rights.

To insist on maintaining the blockade is even less justified nowadays, at a time when horrendous events have revealed the magnitude of the dangers threatening humankind and the extent of our vulnerability to them. This is not the time to continue to implement unilateral measures that violate internationally accepted norms and principles, but, rather, to strengthen and consolidate our solidarity and to move forward along the path of dialogue and understanding. We believe that maintaining these sanctions weakens us in the fight against our common enemies and is contrary to the spirit of our times.

For all of these reasons, we will join the majority of the international community and vote in favour of the draft resolution.

Mr. Kitagawa (Japan): Japan shares the concern expressed by many delegations today regarding the extra-territorial application of jurisdiction such as that arising from the Helms-Burton Act of the United States.

My Government has been closely following the implementation of the legislation as well as the circumstances surrounding it, and its concerns remain unchanged. For that reason, my delegation will vote in favour of the draft resolution before us.

While Japan supports the draft resolution, it questions whether the General Assembly is, in fact, the most suitable forum in which to address the very complex issue of the United States embargo against Cuba. Japan believes that it is desirable for both countries to seek a solution through bilateral dialogue

and thus calls upon them to strengthen efforts to that end.

Mr. Rim Song Chol (Democratic People's Republic of Korea): My delegation is taking the floor to explain its position before a vote is taken on draft resolution A/56/L.9, submitted by Cuba under agenda item 34, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

It is the consistent, principled position of the Government of our Republic to oppose the imposition on sovereign States of all forms of sanctions, which restrain the independent development of such States. The unilateral and extraterritorial imposition of sanctions by the United States against Cuba are the result of the hostile policy adopted by the United States towards Cuba in an attempt to change the political, economic and social system there. These sanctions constitute a violation of the principles of respect for the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation enshrined in the United Nations Charter and in international law.

The sanctions imposed by the United States against Cuba have a negative impact on the lives of the Cuban people, obstructing economic development, disrupting living conditions and compromising the right to development, and damage the interests of third countries which have economic and trade relationships with Cuba.

In this context, my delegation strongly urges the United States to end the economic, commercial and financial embargo against Cuba at the earliest possible date, in conformity with the demands of the international community. We will therefore vote in favour of the draft resolution.

Mr. Stanislavov (Russian Federation) (*spoke in Russian*): Russia shares the view of the overwhelming majority of the United Nations with regard to the inadmissibility of unilateral actions by States undertaken in violation of the United Nations Charter and the fundamental principles and norms of international law. On the basis of that principled position, Russia will vote in favour of the draft resolution on the necessity of ending the economic, commercial and financial blockade of by the United States against Cuba.

We consider the continuation of the economic, commercial and financial blockade of Cuba to be a legacy of the cold war that does not reflect the current state of international relations or the fundamental principles of international law. Russia is convinced that putting an end to the embargo against Cuba and normalizing relations between the United States and Cuba in various areas would improve relations in the region and promote Cuba's future inclusion in the international economic system, thus bringing about positive changes in its economic and social life. We would welcome any practical steps to that end, within the framework of, inter alia, bilateral humanitarian cooperation.

Firmly guided by the principles, referred to in the draft resolution, of the sovereign equality of States, non-intervention in the internal affairs of States and freedom of international trade and navigation, Russia reaffirms its intention to continue to develop normal trade and economic relations with Cuba. At the same time, we would like to express the hope that a constructive change will be made in American policy towards Cuba in the spirit of the historic decisions taken by the leaders of the Members of the United Nations during the Millennium Summit and the Millennium Assembly. That was the precise thrust of a key provision of the Millennium Declaration on strengthening respect for the principle of the primacy of law at both international and domestic levels.

The Acting President (*spoke in Spanish*): The Assembly will now take a decision on draft resolution A/56/L.9.

A recorded vote has been requested.

A recorded vote was taken.

In favour

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea,

Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Against:

Israel, Marshall Islands, United States of America

Abstaining:

Latvia, Micronesia (Federated States of), Nicaragua

Draft resolution A/56/L.9 was adopted by 167 votes to 3, with 3 abstentions (resolution 56/9).

The Acting President (*spoke in Spanish*): May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 34?

It was so decided.

The meeting rose at 12.30 p.m.